

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WA.No. 133 of 2015 IN WP(C).26063/2013

AGAINST THE JUDGMENT IN WP(C) 26063/2013 of
HIGH COURT OF KERALA DATED 18-02-2014

APPELLANT(S) :

JAGADEESH CHANDRA, AGED 24 YEARS,
S/O.K.C.CHANDRA BABU, KARUNALAYAM, POOVAKKATU
MUTTATHUKONAM P.O, ILLAVINTHITTA
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.T.K.BIJU (MANJINIKARA)
SMT.ANNIE M.ABRAHAM

RESPONDENT(S) :

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1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT
FOOD AND CIVIL SUPPLIES DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
 2. THE DISTRICT SUPPLY OFFICER
DISTRICT SUPPLY OFFICE, COLLECTORATE BUILDING
PATHANAMTHITTA DISTRICT 689 696.
 3. THE TALUK SUPPLY OFFICER
KOZHENCHERRY TALUK, OPPOSITE COLLECTORATE
PATHANAMTHITTA DISTRICT 689 645.

* [4. T.K.LEELAMMA (DIED)
PRABHA SADANAM, MUTTATHUKONAM P.O, ILLAVINTHITTA
PATHANAMTHITTA, 689 625, FROM POOVAKKATTU HOUSE
MUTTATHUKONAM P.O, ILLAVINTHITTA
PATHANAMTHITTA.(R4 IS DELETED FROM THE PARTY ARRAY
AS PER ORDER DATED 30.10.2015 IN WA 133/2015)] (DELETED) .

5. LAILA JAYAPRAKASH
PRABHA SADANAM, MUTTATHUKONAM P.O, ILLAVINTHITTA
PATHANAMTHITTA 689 625, FROM POOVAKKATTU HOUSE
MUTTATHUKONAM P.O, ILLAVINTHITTA, PATHANAMTHITTA.
6. VISWESWARA PANICKER
POOVAKKATTU HOUSE, MUTTATHUKONAM P.O, ILLAVINTHITTA
PATHANAMTHITTA 689 625.

R5&6 BY ADV. SRI.K.R.SUNIL
BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 133 of 2015 IN WP(C).26063/2013

APPENDIX

APPELLANT'S EXHIBITS :

ANNEXURE A1 : TRUE COPY OF THE JUDGMENT DATED 18.2.2014 IN WP(C) NO.26063/13-G ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.133 of 2015

Dated this the 21st day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the appellant and the learned Senior Government Pleader in the matter.

2. This writ appeal has been filed challenging the judgment dated 18.2.2014 in W.P.(C)No.26063/13, which was filed by the appellant praying for setting aside Ext.P4 order, by which the District Supply Officer directed that on the basis of nomination by the 4th respondent, the rationing licence was given to the 5th respondent. The petitioner's case is that he was entitled for the licence and the 4th respondent was ailing and not competent to nominate the 5th respondent as licensee. The learned Single Judge dismissed the writ petition recording the finding that since the impugned order discloses that the 4th respondent has given consent to the appointment of 5th respondent and there is

nothing to substantiate the claim of the petitioner that she was not in sound disposing state of mind and hence, there is no ground to interfere with the impugned order.

3. We have considered the submissions and perused the records. In the order passed by the District Supply Officer, it is noted that apart from the consent letter given by the 4th respondent, she has also deposed before the Rationing Inspector that she has consented to appoint the 5th respondent, which fact is recorded in the order. The authorities, who have to make appointment of licensee, will have to look into the facts and take a decision on appreciation of facts and circumstances. The District Supply Officer was satisfied that the 4th respondent has nominated the 5th respondent and having granted licence in favour of the 5th respondent, we are of the view that, the learned Single Judge did not commit any error in refusing to interfere with the order passed by the District Supply Officer. No good ground is raised in this writ appeal to

interfere with the judgment of the learned Single Judge.

Hence, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge