

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 6136 of 2009 (J)

PETITIONER(S):

1. ALL KERALA RETAIL RATION DEALERS
ASSOCIATION, REG. NO. 540/89, MALAPPURAM DISTRICT,
REP. BY ITS SECRETARY, E.ABOOBACKER, S/O.LATE KUNHALU,
AGED 54, ELAYEDATH HOUSE, P.O.PULPATTU,
MALAPPURAM DISTRICT.
2. K.RAMACHANDRAN, ARD NO.19,
POONIAKURISSI, PERINTHALMANNA.
3. E.VENUGOPALAN, ARD NO.28,
THAZEKODE, PERINTHALMANNA TALUK.
4. T.K.BEEKUTTY, ARD NO. 162,
BIDATHI -VAZHENGODU, PERINTHALMANNA TALUK.
5. A.SAHIDA, ARD NO.65, MANKADA.
6. K.PATHUMMAKUTTY, ARD NO.86,
PULAMANTHOL UP.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENT(S):

1. THE DISTRICT SUPPLY OFFICER,
MALAPPURAM.
2. THE COMMISSIONER OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM.
3. THE STATE OF KERALA, REP. BY SECRETARY,
CIVIL SUPPLY DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

R1 TO R3 BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1. COPY OF THE RENEWED REGISTRATION CERTIFICATE OF THE 1ST PETITIONER.
- EXHIBIT P2. COPY OF THE INSPECTIONS DONE BY VARIOUS AUTHORITIES UNDER RESPONDENT NO.3.
- EXHIBIT P3. COPY OF THE RATION CARD REGISTER OF THE 2ND PETITIONER.
- EXHIBIT P4. COPY OF THE RATION LEDGER BEING KEPT BY THE PETITIONERS FOR THE DISTRIBUTION OF THE RATIONED ARTICLES
- EXHIBIT P5. COPY OF THE INSPECTION MEMO RECORDED BY THE TEAM LEADER ON THE VISITORS BOOK.
- EXHIBIT P6. COPY OF THE RELEVANT PAGE OF THE INSPECTION BOOK KEPT IN THE SHOP OF THE 3RD PETITIONER.
- EXHIBIT P7. COPY OF THE RELEVANT PAGES OF VISITORS BOOK OF 4TH AND PETITIONER.
- EXHIBIT P8. COPY OF THE RELEVANT PAGE OF THE VISITORS BOOK OF THE 5TH PETITIONER.
- EXHIBIT P9. COPY OF THE MAHAZAR WAS PREPARED BY THE SPECIAL TEAM DATED 18/2/09 LEAD BY O.A.GOPAL, SUPPLY OFFICER.
- EXHIBIT P10. COPY OF THE CHARGE MEMO ISSUED BY THE SUPPLY OFFICER, MALAPPURAM
- EXHIBIT P11. COPY OF THE REPLY GIVEN BY ONE OF THE RATION DEALER TO THE DISTRICT SUPPLY OFFICER.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

K. Vinod Chandran, J

W.P.(C).No.6136 of 2009-J

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner, a registered Association of Kerala Retail Ration Dealers, was aggrieved by the orders of the 2nd respondent to carry out inspection of the licensed dealerships of the members of the petitioner-Association. According to them, such inspections are high handed and one sided. It is submitted that an inspection team had been constituted for the Malappuram District and they are conducting surprise raids and taking away records without receipts. The prayer is to direct the respondents not to take any action without a show cause notice and without affording a proper opportunity of hearing.

2. The prayer is of a broad nature; not specific to a particular instance of such action having been taken or a high handed act having been committed. In any event, the writ petition is of the year 2009. There is absolutely no necessity to issue the directions as prayed for, since any authority is expected to issue a show cause notice and afford an opportunity of hearing before

an action is taken. There is no warrant for an assumption that action would be taken in violation of fundamental principles. However, if such an action is taken, it is for the aggrieved person to challenge the same. No orders can be issued in the writ petition.

The writ petition would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]