

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 6283 of 2012 (I)

PETITIONER(S):

**PRASANNA,
W/O.VALSAN, PADIKKALAKANDY HOUSE,
P.O.PERUVANNAMUZHI, KOZHIKODE-673 528.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S):

- 1. TALUK SUPPLY OFFICER,
KOYILANDY, KOZHIKODE-673 020.**
- 2. THE DISTRICT OFFICER,
KOYILANDY, KOZHIKODE-673 020.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE-673 020.**
- 4. THE CIVIL SUPPLIES DIRECTOR,
OFFICE OF THE CIVIL SUPPLIES COMMISSIONER,
TRIVANDRUM-695 001.**
- 5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
TRIVANDRUM-695 001.**

BY GOVERNMENT PLEADER SRI.P.M.JOSEPH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6283 of 2012 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1 A COPY OF THE ORDER NO.CS A4 109/07 DATED 27.11.2007 OF
THE 4TH RESPONDENT.**

**EXT.P2 A COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN
THE PRESCRIBED FORM DATED 28.1.2008.**

**EXT.P3 A COPY OF THE CONSENT LETTER SUBMITTED ALONG WITH EXT.P2
DATED 22.1.2008.**

**EXT.P4 A COPY OF THE LETTER NO.C2082/2007 DATED 20.02.2008 FROM
THE 1ST RESPONDENT TO THE 2ND RESPONDENT .**

**EXT.P5 A COPY OF THE ORDER NO.CS 21729/07(1)DATED 24.9.2008 3RD
RESPONDENT DATED 3.11.2008.**

**EXT.P6 A COPY OF APPEAL SUBMITTED BY THE PETITIONER BEFORE THE 3RD
RESPONDENT DATED 3.11.2008.**

**EXT.P7 THE COPY OF THE ORDER NO.CS/2.5164/08 DATED 6.11.2009 OF THE
3RD RESPONDENT.**

**EXT.P8 A COPY OF THE APPEAL MEMORANDUM FILED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT DATED 15.1.2010.**

EXT.P9 A COPY OF THE ORDER NO.CS A8 2085/2010 DATED 5.8.2011.

**EXT.P10 A COPY OF THE ORDER NO.14902/B2/11 DATED 17.2.2012 OF
THE 5TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M. SHAFFIQUE, J.

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W.P. (C) No. 6283 of 2012

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Dated this, the 19th day of November, 2015

J U D G M E N T

Petitioner challenges Exts.P5, P7 and P9 by which her application for appointment as retail distributor has been rejected by the Taluk Supply Officer, which was confirmed by the District Collector and thereafter by the Commissioner. By Ext.P5, her application had been rejected on the ground that the nominee is involved in a case with reference to misuse of essential commodities and violation of the Kerala Rationing Order. The appellate authority by Ext.P7 also have taken the same view. According to the petitioner, she preferred a revision under Rule 45 (11) of the Kerala Rationing Order. However, the same was rejected in terms of Ext.P9 by holding that it is beyond the time stipulated for filing appeal.

2. It is submitted by the learned counsel for the petitioner that the time for filing revision is 60 days from the date of service

of the order. District Collector's order was received by the petitioner on 7/12/2009 and she had 60 days time to prefer the revision. Revision is filed on 27/1/2010, which was within time. However, the Commissioner had treated the revision as an appeal where the time limit was only 30 days and accordingly the same has been rejected.

3. Counter affidavit has been filed by the respondents supporting the stand taken by them.

4. Since no other reasons had been stated for rejecting the revision in terms of Ext.P9 order dated 5/8/2011 other than the bar of limitation, I am of the view that the said order is liable to be set aside as the petitioner had virtually preferred a revision by invoking Rule 45(11) of the Kerala Rationing Order. Petitioner preferred a further revision before the Government, which was rejected by Ext.P10 dated 17/2/2012 on the same grounds. .

Under such circumstances, without going into the merits of the contentions urged by the petitioner, this writ petition is allowed setting aside Exts.P9 and P10. The 4th respondent is

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-:3:-

directed to reconsider Ext.P8 revision and pass appropriate orders treating the same as a revision under Rule 45(11) of the Kerala Rationing Order.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

19/11/2015

//True Copy//

P.S to Judge