

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C) .No. 15493 of 2013 (S)

PETITIONER(S) :-

P.L.JACOB
PADINJAKLARA HOUSE, KUTTIKADU P.O, CHALAKUDY
TRISSUR.

BY ADVS.SRI.T.M.ABDUL LATHEEF
SRI.T.RAJESH

RESPONDENT(S) :-

1. CIVIL SUPPLIES DEPARTMENT REP. BY ITS DIRECTOR
DEPARTMENT OF FOOD CIVIL SUPPLY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SECRETARY
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.
3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE, CRIME BRANCH (CB-CID)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.
4. THE SUB INSPECTOR OF POLICE
KORATTY POLICE STATION, KORATTY P.O.
5. JESVIN GEORGE,
S/O. GEORGE, THEKKETHALA HOUSE, THIRUMUDIKKUNNU
KORATTY-680 307.

ADDL.6.THE DIRECTOR, CENTRAL BUREAU OF INVESTIGATION, NEW DELHI.

ADDL.R6 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, SC, C.B.I.
R1-R4 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1: A TRUE COPY OF THE REPORT APPEARED IN THE MALAYALA MANORAMA DAILY DATED 1.5.2013 REGARDING THE SEIZURE OF RICE FROM THE GODOWN OF THE 5TH RESPONDENT.

EXHIBIT P2: A TRUE COPY OF THE REPORT APPEARED IN THE MALAYALA MANORAMA DATED 5.5.2013.

EXHIBIT P3: A TRUE COPY OF THE REPORT APPEARED IN MALAYALA MANORAMA DATED 8.5.2013.

EXHIBIT P4: A TRUE COPY OF THE REPORT APPEARED IN THE MALAYALA MANORAMA REGARDING THE SURRENDER OF 5TH RESPONDENT.

EXHIBIT P5: A TRUE COPY OF THE REPORT APPEARED IN HINDU DATED 26.5.2013 REGARDING THE DEATH OF INFANTS IN THE AREA.

EXHIBIT P6: A TRUE COPY OF THE REPRESENTATION DATED 20.5.2013 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXHIBIT P7: A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DTD.20.5.2013.

EXHIBIT P8: TRUE COPY OF PAPER REPORT APPEARED IN "JANAYUGAM" DAILY DATED 21.6.2013.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.15493 of 2013

Dated this the 2nd day of March 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed as a Public Interest Litigation, praying for following reliefs :-

- “(i) Issue a writ of mandamus compelling the 2nd respondent to entrust the investigation of Crime No.781 of 2013 of Koratty Police Station to the 3rd respondent.
- (ii) Issue such other order or direction as this Honourable Court deemed fit considering the facts and circumstances of the case and that in this Hon'ble court deems fit.
- (iii) To issue any writ, order or direction commanding the State Government to entrust the investigation in Crime No.781 of 2013 of Koratty Police Station with Central Bureau of Investigation;
- (iv) To issue any writ, order or direction directing the State Government to appoint a Judicial Commission empowered of technical and management expert to have an effective Public Distribution System so as to avoid black-marketing and loss of rationed articles.”

3. The petitioner in this writ petition has stated that the Koratty Police has seized food grains from the custody of the 5th respondent, who is doing mal-distribution of food articles, even when the people in some areas are starving due to inadequacy of

food grains. A report regarding the same published in the Malayala Manorama daily dated 1.5.2013 has been produced by the petitioner as Ext.P1 in this writ petition. The grievance raised by the petitioner is that the concerned police authorities are not taking appropriate steps and the ration dealers are not implementing the distribution of food articles as per the scheme of the Government and therefore, the BPL and APL card holders are not getting the food grains, which they are entitled. The petitioner has produced various news items which were published in the news papers mentioning about the corruption in the distribution of ration articles. Learned counsel for the petitioner in support of the writ petition contended that the importance of proper public distribution system, which were being monitored by the State and other agencies have been reiterated by the Apex Court in the judgment in **People's Union for Civil Liberties (PDS Matters) v. Union of India and others** [(2013) 2 SCC 663].

4. Learned Senior Government Pleader submits that statements have been filed by the Sub Inspector of Police and other respondents, wherein, the details of the action taken against the 5th respondent has been brought on record. He submits that

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immediately after the seizure of the food articles from the 5th respondent, the licence of the ration dealer was suspended. In paragraph 6 of the counter affidavit dated 31.1.2015 filed by the first respondent, it has been stated that charge memos have been issued on different dates starting from 14.1.2015 to the suspended authorised ration dealers and after getting their reply, action will be finalised including cancellation of their licenses. It is further stated in the counter affidavit filed by the 4th respondent dated 30.1.2015 that after the investigation, final report was filed and it was taken on file and the same are pending before the Magistrate Court, Chalakudy. It is useful to quote paragraph 6 of the affidavit, which is to the following effect :-

"It is further submitted that after investigation, final report was filed on 28.2.2014 and it was taken on file as C.C.No.2106/2014 (Crime No.781/2013), C.C.No.2104/2014 (Crime No.785/2013) and C.C.No.1709/2014 (Crime No.789/2013) and the same are pending before the Judicial First Class Magistrate Court, Chalakudy."

5. The petitioner in this writ petition has come primarily with a prayer to entrust the investigation of Crime No.781 of 2013 to the 3rd respondent. In view of the fact that, the investigation has already been completed and charge sheet has been submitted,

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wherein, the case is going for trial, we do not find that this is a fit case to entrust the investigation to the 3rd respondent at this stage. There cannot be any dispute to the submission made by the learned counsel for the petitioner that the State authority has to implement the public distribution system with serious vigil and monitoring and those who are indulging in mal-distribution have to be brought on record and appropriate action may be taken. However, looking into the reliefs sought for in the writ petition, we are of the view that, the prayers made cannot be granted.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE