

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.11497 of 2006

G.Thirumoorthy

...Petitioner

Versus

1.The Government of India
represented by the Secretary
Department of Food and Public Distribution
New Delhi -1.

2.The State of Tamil Nadu
represented by its Secretary
Department of Co-operation
Food and Consumer Protection
Fort St.George,
Chennai 600 009.

3.The Commissioner
Civil Supplies and Consumer
Protection Department,
Chennai 600005.

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of mandamus, directing the
respondents to commence a State wide Investigation into the issue of
Bogus Family Cards by the Central Bureau of Investigation and punish
the persons who are found guilty.

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For Petitioner : Mr.M.S.Krishnan
Senior Counsel
for Sarvabhauman Associates

For Respondents : Mr.Su.Srinivasan
Assistant Solicitor General for R.1

Mr.V.R.Kamalanathan
AGP for R.2 and R.3

O R D E R

(The Order of the Court was made by The Hon'ble the Chief Justice)

This petition filed in public interest, seeks direction against the respondents to commence State Wide Investigation into the issue of bogus family cards. The petitioner was woken up to the ground reality on account of the incident qua his brother, who has retired from the Army and joined the Tamil Nadu Police Service as a Driver. It was found that though a card was issued in his name, the dealer was enjoying all the benefits without the brother of the petitioner benefiting.

2. The counter affidavit filed shows that steps were taken by the State Government qua the particular fair price shop through separate check and the salesman was suspended on account of the deviations found. Door to door verification is stated to have been carried out in respect of fair price shop and out of the 2422 cards, 220 cards were found to be bogus, 76 card holders were residents of joint family and 225 cards holders changed their residence.

3. On the larger issue, it is set out in paragraph-13 as under:

"13.Further I submit that, based on instructions issued in Government letter No.15112/F2/2006-1, Co-operation, Food and Consumer Protection Department dated 12.06.2006 and Government Letter No.16968/F2/2006-I, Co-operation, Food and Consumer Protection Department dated 15.06.2006 in order to weed out bogus cards all District Collectors (except Chennai) and Deputy Commissioner (City) North and South have been instructed to identify one Fair Price Shop each in urban and rural areas constituency wise, (in all the 234 Constituencies)

where large number of ration cards are attached, and verify the 'E' register of the Fair Price Shop concerned with voters list of the area concerned and carry out 100% door-to-door verification of the ration cards attached to that Fair Price Shops, and submit the reports on the verification to Special Commissioner by 27.07.2006. Thus steps have been taken to identify and weed out bogus cards in Tamil Nadu."

4. It has been further stated that the Government has formulated the Rules and Regulations and the distribution of goods under the Public Distribution System is being closely monitored, the Collectors of the various Districts conduct co-ordination meeting every week with the officials of the Co-operatives, Tamil Nadu Civil Supplies Corporation and the Revenue Department to curtail diversion and ensure effective functioning of fair price shop. Further, it has been stated that a target has been fixed for 100% verification of family cards, inspection of fair price shops and other steps to curb illicit movement of products meant for Public Distribution. It is further stated that the movement of these supplies is being monitored online by the Commissioner of Civil Supplies.

5. With regard to the incident pointed out by the petitioner, the respondents have accepted that on verification of the fair price shops of Vettavalam, it was found that 511 Family Cards were bogus cards out of 4076 cards, which were attached to the various fair price shops of Vettavalam. It has been further stated that the Taluk Supply Officer of Tiruvannamalai has cancelled 317 Family Cards after action being taken on the basis of reports submitted by the officials of the flying squads. Further, it is stated that disciplinary action has been initiated against the Taluk Supply Officer, Tiruvannamalai for the irregularities found in the fair price shop. The respondents have taken a stand that the incident at Vettavalam is an isolated incident, for which prompt action has been taken and the prayer sought for by the petitioner to take State wide action is uncalled for.

6. Taking into consideration the facts placed before this Court and the stand taken by the respondents in their counter affidavit, we are not inclined to brush aside the complaint of the petitioner as a solitary incident. The complaint made by the petitioner paved way for an enquiry, which has unearthed several bogus family cards. The products distributed to the family card holders are under a Public Distribution System and it is mandatory

that the officials of the respondent ensure that the products reach the genuine beneficiaries. Therefore, it is essential that a thorough scrutiny should be made to avoid the influx of such bogus family cards.

7. Considerable water has flown since the incident alleged as nine years have passed.

8. Learned Government Pleader states that the check mechanism process is still on, as a continuous process, because this issue brooks no one-time solution.

9. We are of the view that the prevalent check mechanism should be placed on record with advance copy available to the learned counsel for the petitioner and if the petitioner is of the view as per any current material accumulated by him that the practise of misuse or issue of fraudulent cards is still in progress, he may file a fresh petition.

10. The requisite materials to be placed on record within four weeks from today.

The writ petition accordingly stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Secretary, Government of India
Department of Food and Public Distribution
New Delhi -1.

2.The Secretary,
Department of Co-operation
Food and Consumer Protection
Fort St.George, Chennai 600 009.

3.The Commissioner, Civil Supplies and Consumer
Protection Department,
Chennai 600005.

1 CC to Sarvabhauman Associates, Advocate SR.No. 49371

1 CC to the Government Pleader, SR.No. 49632

W.P.No.11497 of 2006

EV (CO)
PSI (30.09.2015)



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