

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.6933 of 2013
and M.P.No.1 of 2013

P.Devi

.. Petitioner

Vs

- 1.State of Tamilnadu,
Rep.by its Secretary,
Civil Supplies and Consumer Protection Department,
Fort St.George, Chennai 600 009.
- 2.The Assistant Commissioner of Civil Supplies,
Civil Supplies and Consumer Department,
Thousand Lights Zone, Chennai.
- 3.The Deputy Commissioner of Civil Supplies (South),
4th Floor, Ezhilagam, Chepauk,
Chennai 600 005.
- 4.S.Bhaskaran
- 5.Bhuvaneswari
- 6.B.Malarvizhi
- 7.Ranjini
- 8.Saraswathy
- 9.The Inspector of Police,
Teynampet Police Station,
Chennai.
- 10.The Commissioner of Police,
Egmore, Chennai.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd respondent to initiate criminal proceedings against the respondents 4 to 8 in accordance with sec. 7(1)(a) (ii) and sec.9(1) & (2) of the Essential Commodities Act 1955 read with the provisions of the Tamilnadu Scheduled Commodities (Regulation of Sale and Distribution by Card Systems) order 1982 and Indian Penal Code 1860 by forwarding the complaint to the 9th respondent herein as mandated under sec.11 of the Essential Commodities Act 1955 and the 9th respondent to register a F.I.R. forthwith.

For Petitioner : Mrs.S.Meenakshi
For R1 to R3, R9 & R10 : Mr.R.Govindasamy
Spl.Govt.Pleader
For R5 & R6 : No Appearance
For R4, R7 & R8 : Mr.G.Anbumani

O R D E R

The petitioner seeks for a direction to the second respondent to initiate criminal proceedings against the respondents 4 to 8 in accordance with the provisions of Essential Commodities Act r/w the provisions of Tamil Nadu Scheduled Commodities (Regulation of Sale and Distribution by Card System) Order, 1982.

2.The grievance of the petitioner is that the respondents 4 to 8 have obtained ration cards by providing false information and declaration. Since no action has been taken by the second respondent, the petitioner had preferred the present writ petition seeking for a direction to initiate action against the respondents 4 to 8.

3. The complaint of the petitioner, to take action against the respondents 4 to 8 under the provisions of Essential Commodities Act, is not maintainable. The Essential Commodities Act, is to deter a person from illegally dealing in an essential commodity and against such vehicle involved in illegal activities. The provisions of the Essential Commodities Act, do not provide for action against the respondents for manipulation of the information given in the ration cards. Further grievance of the petitioner is that the cancellation of the Ration Card, has not been done as per the provisions of the Tamil Nadu Scheduled Commodities (Regulation of Sale & Distribution by Card System) Order, 1982.

4. Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 3, 9 and 10 would submit that the subject ration card was permanently cancelled on 25.10.2012 by following the procedure contemplated under Rule 5 (v) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982.

5. Under such circumstances, I do not find any infirmity in the procedure adopted by the second respondent while cancelling the ration card. If at all, the petitioner is still aggrieved by the action taken by the second respondent, it is open to him to challenge the same in the manner known to law.

With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kkd

To

- 1.The Secretary,
The State of Tamilnadu,
Civil Supplies and Consumer Protection Department,
Fort St.George, Chennai 600 009.
- 2.The Assistant Commissioner of Civil Supplies,
Civil Supplies and Consumer Department,
Thousand Lights Zone, Chennai.
- 3.The Deputy Commissioner of Civil Supplies (South),
4th Floor, Ezhilagam, Chepauk,
Chennai 600 005.
- 4.The Inspector of Police
Teynampet Police Station
Chennai
- 5.The Commissioner of Police
Egmore Chennai

+1 cc to Mrs.S.Meenakshi Advocate sr 64196
+1 cc to Mr.G.Anbumani Advocate sr 64475
+1 cc to Government pleader sr 64347

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