



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.16503 of 2016

WEB COPY

Malarvizhi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Supply Officer,
Sivagangai District,
District Collector Complex,
Sivagangai.

3.The Taluk Supply Officer,
Tiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 2nd respondent in Mu.Mu.S.3/13439/16, dated 27.07.2016 and quash the same as illegal and unconstitutional and consequently direct the 2nd respondent to give Family Ration Card with eligibility to purchase essential commodities to the petitioner based on the recommendation of the 3rd respondent to the 2nd respondent in Na.Ka.Sil/12072/2015, dated 18.04.2016, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.R.Anandharaj,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent rejecting the petitioner's request to change the Family Ration Card from 'No Commodity Card' to 'Rice Card', enabling the petitioner to purchase P.D.S commodities.

2. According to the petitioner, earlier she has applied for 'Family Ration Card' before the second respondent in the year 2015. Since no order has been passed in the said application, she has filed W.P (MD) No.14094 of 2015 and in which, this Court vide order, dated 07.08.2015, directed the second respondent



herein to consider the representation of the petitioner and pass orders on the same, within a period of four weeks. Pursuant to the said order, 'No Commodity Family Ration Card' has been issued to the petitioner. Since by the said Family Ration Card, the petitioner is not eligible to get P.D.S. Commodities, she made an application before the second respondent to convert the Family Ration Card of the petitioner enabling her to get P.D.S. Commodities. Earlier, the third respondent recommended the case of the petitioner to the second respondent to issue the said 'Family Ration Card' to the petitioner. Despite the same, the second respondent rejected the claim of the petitioner referring the communication sent by the Commissioner of Civil Supplies and Consumer Protection Department, Chennai, dated 18.05.2016. Challenging the same, the present Writ Petition has been filed.

3. The second respondent filed a counter affidavit stating that as per the directions issued by the Principal Secretary/Commissioner Civil Supplies and Consumer Protection Department, Chennai, once one type of Ration Card as per desire of consumer is issued, subsequently, it cannot be transferred to another type of Ration Card. In the above circumstances, the petitioner's request cannot be considered and therefore, this Writ Petition liable be dismissed.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. A perusal of the records shows that even though the petitioner applied for Family Ration Card, the second respondent without considering the economic status of the petitioner has simply issued 'No Commodity Family Ration Card'. The above Ration Card was not issued as per the desire of the petitioner.

6. According to the petitioner, she is a widow and coming under the category of "below the Poverty Line" and she is entitled to get the 'Family Ration Card' enabling her to receive P.D.S. Commodities. In the above circumstances, the second respondent cannot reject the claim of the petitioner on the ground that once one type of Ration Card as per desire of consumer is issued, subsequently, it cannot be transferred to another type of Ration Card.

7. As stated above, the Ration Card is issued pursuant to the order passed by this Court in W.P(MD)No.14094 of 2015, dated 07.08.2015, not based on the desire of the petitioner get 'No Commodity Ration Card', the second respondent on his own issued 'No Commodity Ration Card' to the petitioner without verifying eligibility of petitioner. Since the petitioner is eligible to



get P.D.S. Commodities and the second respondent cannot refuse the claim of the petitioner, therefore, the impugned order is liable to be set aside.

8. In the result, this Writ Petition is allowed and the impugned order of the second respondent, dated 27.07.2016, is set aside, consequently, the second respondent is directed to issue 'Family Ration Card' to the petitioner enabling her to receive P.D.S. Commodities, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,Sivagangai District,Sivagangai.

2.The District Supply Officer,Sivagangai District,
District Collector Complex, Sivagangai.

3.The Taluk Supply Officer,
Tiruppathur,
Sivagangai District.

+1cc to M/S.A.Haja Mohideen, Advocate in SR.No.54348

+1cc to Special Government Pleader in SR.No.53980

W.P(MD)No.16503 of 2016
20.09.2016

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