

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.12.2017
CORAM
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN
W.P.No.12994 of 2012

Nemichand

... Petitioner

Vs

The Assistant Commissioner,
Civil Supplies and Consumer Protection Department,
Royapuram Zone,
Chennai 600 013.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records in Application No.645 dated 19.01.2012, on the file of the respondent and to quash the same and may also be pleased to issue direction to the respondent to effect mutation of address of the petitioner in Family Essential Commodities Distribution Card belonging to the petitioner bearing card No.01/G/0012809.

For Petitioner : Mr.G.Krishnamurthy for
M/s.Solomon peter kamaldoss
For Respondent: Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

Heard Mr.G.Krishnamurthy, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondent.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a writ of Certiorarified Mandamus, to call for the records in Application No.645 dated 19.01.2012, on the file of the respondent and to quash the same and may also be pleased to issue direction to the respondent to effect mutation of address of the petitioner in Family Essential Commodities Distribution Card belonging to the petitioner bearing card No.01/G/0012809."

3. The case of the petitioner is as follows:-

According to the petitioner, he was issued Ration Card by the respondent authority, originally at No.4, Perumal Koil Garden V Lane, Sowcarpet, Chennai-79. The Ration Card contains the name of the petitioner and his family members. However, subsequently, it appears that the petitioner shifted his residence at No.120/7, Seniamman Koil Main Street, (Near St. Johns Church) Tondiarpet, Chennai-81.

4. In view of the change of residence, the petitioner seemed to have applied for change of address in his Ration Card on 12.01.2012. In response to the application, the respondent had passed an order on 19.01.2012, rejecting the application without a speaking order. The above rejection order is put to challenge in the present writ petition.

5. The learned counsel for the petitioner would submit that there was absolutely no consideration of the request made by the petitioner for change of address and it was simply rejected without assigning any reasons.

6. This Court is in agreement with the said submission made by the learned counsel for the petitioner that the impugned order dated 19.01.2012, does not even indicate any consideration on the part of the authority concerned, in dealing with the application by the petitioner for change of address in the Ration Card. The order merely says that the application is rejected. Such a cryptic order discloses complete non-application of mind on the part of the authority concerned.

7. Upon notice, learned Additional Government Pleader appearing for the respondent, entered appearance. Although no formal counter has been filed, the instructions issued to the learned Additional Government Pleader by the Commission of Civil Supplies and Consumer Protection Department, vide proceedings dated 16.11.2017, has been produced along with certain enclosures. In the instructions, it is stated that the petitioner was not living in the new address as given by him at No.120/7, Seniamman Koil Main Street, (Near St. Johns Church) Tondiarpet, Chennai-81 and some other person was living.

8. At this, the learned counsel for the petitioner would submit that there were several tenants living in the same address and the subject building contains three floors and the petitioner is living in one of the floors with his family. According to him, no proper enquiry was conducted before concluding against the petitioner.

9. The learned counsel for the petitioner would further submit that this instructions were issued only on 16.11.2017 to the learned Additional Government Pleader, where as, this application was dated 12.01.2012. He would further dispute the factual aspect of the matter which is disclosed in the instructions issued by the Commission, dated 16.11.2017.

10. In any event, this Court is of the view that no proper enquiry has been conducted in the matter regarding the veracity of the claim by the petitioner for change of address in the

Ration Card issued to the petitioner. In the said circumstances, this Court set aside the order in Application No.645 dated 19.01.2012 and the respondents are directed to hold a detailed enquiry into the claim of the petitioner, after field verification and pass considered order on merits and in accordance with law. The respondents are directed to pass orders within a period of six weeks from the date of receipt of a copy of this order.

11. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gsk
To

The Assistant Commissioner,
Civil Supplies and Consumer Protection Department,
Royapuram Zone,
Chennai 600 013.

+1cc to M/s.J.B.Solomon Peter Kamal Doss, Advocate Sr.No.85794
+1cc to Government Pleader SR.No.86915

CNR(CO)
sm:19.1.2018

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