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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.01.2018
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.315 of 2018
and
W.M.P(MD)No.327 of 2018

The Nanguneri Radhapuram Taluks
Agricultural Producers Co-op. Marketing
Society Limited, O.1923, rep. by
its President, V.Murugan,
Valliyoor - 627 117,
Tirunelveli District.

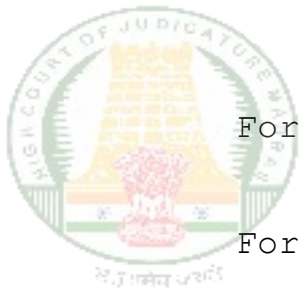
.. Petitioner

Vs.

- 1.The Principal Secretary,
Cooperation, Food and Consumer Protection Department,
Chennai - 600 009.
- 2.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Societies,
Chennai - 600 010.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Joint Registrar (Cooperative Societies),
No.2, Sarvenger Street,
Palaymakottai, Tirunelveli-2.
- 5.The Deputy Registrar,
Cooperative Society,
Cheranmahadevi,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to supervise and distribute the Pongal Gift Hampers to the Family Card Holders on or before 14.01.2018 and also ensure quality commodities alone to be supplied for the General Public at Radhapuram, Nanguneri Taluk in Tirunelveli District, based on the petitioner's representation, dated 02.01.2018.



For Petitioner : Mr.S.Vinayak
for Mr.G.Mathavan

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition itself, is taken up for final disposal.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader, accepts notice, on behalf of the respondents.

3.The petitioner claims to be the President of the Nanguneri Radhapuram Taluks, Agricultural Producers Co-operative Marketing Society Limited, O.1923, Valliyoor - 627 117, Tirunelveli District. The petitioner has filed this writ petition, styled as a "Public Interest Litigation" and in the affidavit filed in support of the petition, would aver among other things that there are more than 306 Fair Price Shops in Radhapuram and Nanguneri Taluks in Tirunelveli District and more than 5,00,000 Family Card Holders are provided with Family/Ration Cards and they are getting essential commodities given by the Government, through the respective Fair Price Shops. The petitioner would further state that, very recently, the Government of Tamil Nadu, has announced Pongal Gift Hamper, consisting 1 Kilogram of Raw Rice, 1 Kilogram of Sugar, a 2 feet long piece of Sugarcane one piece, 20 grams of Cashew-nut and other various items, to all the Family Card Holders, throughout the State for the purpose of celebrating "Pongal" festival. The first respondent, being the administrator of the Department, had also issued G.O.(2D)No.88, Cooperation, Food and Consumer Protection (D1) Department, dated 29.12.2017, as to the mode of procurement and distribution of the Pongal Gift Hamper to all rice option card holders, including Police card holders and Sri Lankan Tamils living in camps [totally 1.84 crore cards], through Fair Price Shops.

4.In paragraph 7 of the said Government Order, it is also stated that the Commissioner of Civil Supplies and Consumer Protection is requested to arrange to obtain and furnish the Utilization Certificate from the Tamil Nadu Civil Supplies Corporation, in due course.

5.The second respondent, in compliance of the said Government Order, had issued Proceedings/Circular, dated 29.12.2017, in Na.Ka.88544/2017/Po.Vi.Thi.Ka.3, to all the respondents. As per the said Circular, the mode of procurement of the said articles, packing, distribution, acknowledgment, planning and general advice had also been given.



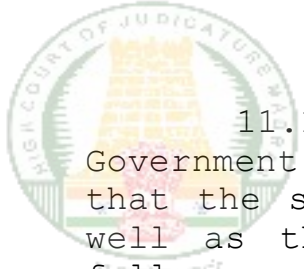
6.The petitioner is expressing the grievance that good quality cashew-nuts, dry grapes and cardamom are not procured and the Pongal Gift Hamper is to be distributed to various card holders and the same would also contain, not only low quantity of the said articles, but also of the inferior quality.

7.The learned counsel appearing for the petitioner would submit that no announcement/information has been provided to the card holders as to the distribution of Pongal Gift Hamper and in that event, the articles procured, may be diverted to open market and the Ration Shop officials are going to be the beneficiaries. It is further contended by the learned counsel appearing for the petitioner that, in this regard, the President of the petitioner's association, submitted a detailed representation, dated 02.01.2018, to the respondents 1 to 4, pointing out the said deficiencies and non-compliance of Government Order and the Circular and inspite of receipt and acknowledgment, no steps have been taken by the concerned officials and left with no other option only, the petitioner society has come forward to file this writ petition.

8.The learned Special Government Pleader appearing for the respondents, on instructions, would submit that it is obligatory on the part of the subordinate officials to strictly comply with G.O.(2D)No.88, Cooperation, Food and Consumer Protection (D1) Department, dated 29.12.2017, issued by the first respondent and accordingly, the second respondent, vide proceedings, dated 29.12.2017, had given elaborate guidelines and if any infraction is noted either in the quality of the food articles of Pongal Gift Hamper or deficiencies in distribution, strict and appropriate action would be taken against the concerned officials and personnel.

9.This Court has considered the rival submissions and also perused the materials placed before it.

10.In pursuant to the announcement of the Hon'ble Chief Minister of Tamil Nadu, on 29.12.2017, the first respondent has passed G.O.(2D)No.88, Cooperation, Food and Consumer Protection (D1) Department, dated 29.12.2017, with regard to the distribution of Pongal Gift Hamper, consisting of 1 Kilogram of Raw Rice, 1 Kilogram of Sugar, a 2 feet long piece of sugarcane, 20 grams of Cashew-nut, 20 grams of Kismis and 5 grams of Cardamom. The second respondent, in compliance of the said Government Order, has also issued a Circular, dated 29.12.2017, to all the officials, giving elaborate guidelines for effective and proper implementation of the said Government Order, which came to
<https://hcservices.courtsofjudiciary.in/hcservices> pursuant to the announcement made by the Hon'ble Chief Minister of Tamil Nadu, on 29.12.2017.



11. It is also the submission of the learned Special Government Pleader appearing for the respondents, on instructions, that the said Government Order issued by the first respondent as well as the Circular issued by the second respondent would be fully complied with and periodical inspection and monitoring will also be done and if any infraction is noted, the concerned officials/personnel would be dealt with accordingly, both by way of departmental proceedings and also by way of criminal prosecution.

12. In the light of the said statement made by the learned Special Government Pleader appearing for the respondents, on instructions, this Court is of the view that no orders are necessary in this writ petition. But, at the same time, the respondents shall ensure the proper and effective implementation of the above said Government Order and the Circular.

13. The writ petition is closed with the above observations. Consequently, connected Miscellaneous Petition is closed.
No costs.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Cooperation, Food and Consumer Protection Department,
Chennai-600 009.
2. The Registrar of Co-operative Societies,
O/o. The Registrar of Co-operative Societies,
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5. The Deputy Registrar,
Co-operative Societies,
Cheranmahadevi,
Tirunelveli District.



+1cc to M/S.Special Government Pleader,SR. 41484
+1cc to Mr.G.MATHAVAN,Advocate,SR. 40994

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SMN/VSG
KK/SKN RSK/SAR 2/11.01.2018/ 5P- 8C/