

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.24119 OF 2011

ORDER:

The relief sought for in this Writ Petition is to declare the action of the Chief Rationing Officer, in issuing orders dated 21.07.2011 and 22.07.2011 directing reduction of the strength of cardholders in each of the petitioners' shop, and in transferring them to other fair price shop dealers, as arbitrary and irrational. A consequential direction is sought to permit the petitioners to retain the strength of the cardholders as fixed in the earlier proceedings of the Chief Rationing Officer dated 08.10.2010.

In his proceedings dated 21.07.2011, the Chief Rationing Officer held that some of the fair price shops had a card position beyond 1400 cards; these shops were bifurcated or trifurcated depending upon the card position; this had resulted in excess cards, causing inconvenience to the card holders due to long queues, and in wastage of time waiting for their turn; as a result, they had to compulsorily forego their wages by not being able to go to their work place during these days; and the cards of these fair price shops were adjusted as per the orders in the annexure. Again by proceedings dated 22.07.2011, the fair price shops, which had above 1400 card position, were bifurcated depending upon the cards existing in the fair price shops; and new fair price shops were created with these cards. Initially an interim order of suspension was passed, in WPMP No.29581 of 2011 dated 26.08.2011, on the ground that, before passing the impugned order, the required exercise, as to the viability of the shops, had not been done. Thereafter, on a vacate stay petition being filed, the Learned Single Judge observed that

a perusal of the impugned proceedings showed that a decision, to rationalise distribution of cards, was taken based on G.O.Ms. No.35 dated 17.09.2007 which was unsuccessfully challenged in a Writ Petition; the said G.O. prescribed minimum number of cards for each fair price shop, in order to ensure its feasibility; the said G.O. classified fair price shops under three categories viz., Rural areas, Municipalities/erstwhile Taluk Headquarters and Municipal Corporations; the minimum cards, to be attached to each fair price shop, was fixed; para 5(c) of the G.O, which is relevant to the subject shops, prescribed the number of iris based ration cards, to be attached to each fair price shop, as 600 to 650 BPL cards, and 400 pink cards; the averments, in the writ affidavit, showed that the number of cards, which were allotted to remain with the petitioners, did not fall below 1250 cards, including BPL and pink cards; and as long as the minimum prescription of cards, made in G.O.Ms. No.35, was adhered to, the impugned proceedings issued for rationalisation of cards could not be faulted. The interim order was, accordingly, vacated.

The order, vacating the earlier interim order, was passed on 11.06.2015 more than two and half years ago. It is stated that, on the interim order being vacated, the exercise of rationalisation was undertaken, and cards have now been distributed to other shops. None of the other fair price shop dealers have been arrayed as respondents in the Writ Petition. It would be wholly inappropriate for this Court, therefore, to now undertake an examination of the validity of rationalisation of the cards, or to set aside the impugned proceedings, more so when the fair price shop dealers, to whom the excess cards were allotted, have not even been arrayed as respondents in the writ proceedings. As has been noted, in the order passed in WVMP No.433

of 2012, the exercise of rationalisation was undertaken in terms of G.O.Ms. No.35, and as it is not even the petitioners case that the number of cards, remaining with them, falls below the minimum number of cards prescribed in G.O.Ms. No.35, no interference is called for. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

Date: 20.04.2018

MRKR

