

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 82 of 2019**

Virendra Pandey S/o Late Shri Brijbihari Pandey Aged About 69 Years R/o
31/366 New Shanti Nagar, Raipur, Chhattisgarh.

---- **Petitioner****Versus**

1. Union of India Through Its Secretary, Ministry of Petroleum & Natural Gas, Shastri Bhavan, New Delhi – 110001.
2. State of Chhattisgarh Through Department of Food Civil Supplies & Consumer Protection, Mahanadi Bhavan, Atal Nagar, Raipur Chhattisgarh.
3. Director Directorate of Food Civil Supplies & Consumer Protection, Through Its Indrawati Bhavan, Atal Nagar, Raipur Chhattisgarh.

-----**Respondents**

For petitioner	: Shri Manoj Paranjpe, Advocate with Shri Abhyuday Singh, Advocate.
For Respondent No.1	: Shri Vaibhav P Shukla, Advocate on behalf of Shri B Gopa Kumar, Assistant Solicitor General.
For State	: Shri Chandresh Shrivastava, Dy Adv. General.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per PR Ramachandra Menon, CJ****06.03.2020**

1. This petitioner, who is a public interest litigant has approached this Court with the following prayers :-

“10.1 That, the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the decision to cut down the Kerosene Quota for the State of Chhattisgarh by respondent No.1.

10.2 That the Hon'ble Court may kindly be pleased to issue an appropriate writ thus directing the respondent No.1 to provide adequate per capita Kerosene to the users in the State of Chhattisgarh and hence decide upon the Quota of Kerosene for the State of Chhattisgarh accordingly.

10.3 That this Hon'ble Court may kindly be pleased issue appropriate writ directing the respondent Nos.2 & 3 to allot adequate per capita kerosene under the PDS to the beneficiary families.

10.4 Any other relief/order/writ/direction/costs, which this Hon'ble court may deem fit and proper may be awarded in the interest of the justice.”

2. Going by the pleadings and prayers, it is evident that the petitioner is aggrieved by the course pursued by the first-respondent/UOI in cutting down the quota of Kerosene allotted to the State of Chhattisgarh for the Second-quarter of 2019-20. This, according to the petitioner, is to deprive the poor residents of the State and as a matter of victimization of poor, rather to settle score on political basis. When the matter came-up for consideration before this Court on 17.10.2019, the learned Assistant Solicitor General appearing on behalf of the first respondent made a submission that there was absolutely no basis for the averments and allegations levelled by the petitioner against the first respondent and that reduction in the quota was subject to various requirements of the States after considering all the relevant facts and figures; adding that similar deduction had been effected in respect of the other States as well.
3. The learned counsel for the petitioner points out that the course pursued by the first respondent was without any proper regard to the actual requirements, which is discernible from the quota already allotted to the State of Maharastra, Rajasthan & Goa, who, by virtue of the excess quantity, have virtually surrendered the same.
4. We noted the facts and sequence by passing the order dated 17.10.2019, which is extracted below :-

“ The grievance projected in this matter is mainly with regard to the reduction/cut in the quota of kerosene allotted

by the 1st respondent/Union of India to the State of Chhattisgarh.

It is the case of the petitioner that the reduction is not having any rationale and excess quantity is being allotted to various others States. Reliance is sought to be placed on the documents produced in respect of the allocation made to the State of Maharastra, Rajasthan and Goa and the learned counsel submits that since it was in excess, the States concerned have virtually surrendered much quantity of kerosene in the first-quarter for 2019-20.

Learned Assistant Solicitor General submits that the averments and allegations referring to political ill-will is absolutely wrong, insofar as, the reduction has been made in respect of almost all the States as discernible from the documents produced by the petitioner himself.

Learned counsel seeks for time to put-forth the facts and figures after getting necessary instructions in this regard.

Post it after four weeks.”

5. The specific instance of grievance pointed out by the petitioner, with reference to the second quarter no more exists as on date. The State has not filed any return with regard to the grievance projected by the petitioner. It appears that the State does not have any grievance in this regard and that adequate steps have been taken by them. If at all there is any reduction or if more quantity of kerosene is required for the State, it is always open for the State to initiate appropriate proceedings before the first-respondent with reference to the actual facts and figures and it will be for the first-respondent to have it considered accordingly.
6. With the above observation, the writ petition stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge