

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.23227 of 2019

Puducherry Private Fair Price Shop
Welfare Association
Rep. by its Secretary
S.Ravi,
No.3, IInd Cross, Aravindhar Nagar
Murugampakkam
Puducherry - 605 004.

....Petitioner

Vs

1.The Union of India
Rep. by its Secretary to Government
Ministry of Petroleum & Natural Gas
Shastri Bhawan
New Delhi.

2.The Government of Puducherry
Represented by the Secretary to Government
Puducherry State,
Puducherry.

3.The Director
Department of Civil Supplies Consumer Affairs
Thattanchavady, Puducherry State
Puducherry.

...Respondents

PRAYER : Writ Petition filed under 226 of the Constitution of India to issue a Writ of Mandamus or other orders in the nature of Writ directing the second respondent to consider the petitioner's Association representation dated 02.01.2019 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr. Vaideeswaran R.S.

For 1st Respondent Mr.S.S.Pajaniradja
Central Government Standing
Counsel

: M/s. N.Mala
Additional Government Pleader
Puducherry
for 2nd Respondent

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

The Writ Petition has been filed by the Association, consisting of retailers of outlets dealing with the sale of Kerosene. As these outlets were forced to close down, they made a representation for adequate supply of kerosene and since no action is forth coming, seeking appropriate orders on the same, the present Writ Petition has been filed.

2. In the counter affidavit filed, the following statements have been made:-

"3. I am to respectfully submit that following the decision taken by the Government of India to make Puducherry Union Territory as "Kerosene free", Ministry of Petroleum and Natural Gas, Government of India vide letter No.P-23014/2/2016-LPG (Pt) dated 22.02.2017 fixed September 2017 as deadline to stop the supply of PDS Kerosene in Union Territory of Pondicherry and has been gradually reduced and completely stopped with effect from 1st October 2017.

4. I am to respectfully submit that in this situation, 376 kerosene outlets of Puducherry have become infructuous and was forced to close them down left with no alternative. Out of 376 shops, 303 are owned by Puducherry Private Fair Price Shops Welfare Association, Cooperative

Society and PAPSCO, which also supply rice and other essential commodities and therefore did not face closure. Whereas, 73 private kerosene shops existing in Union Territory of Pondicherry became redundant, as they were supplying kerosene only and there is no allocation of kerosene to the Union Territory of Puducherry from Government of India."

3. In view of the above, there is no question of supply of any kerosene to the outlets of the members of the petitioner.

4. The learned counsel for the petitioner submitted that in such a case, the petitioner may be permitted to start their business in regard to any other essential commodities. This is a matter between the petitioner and the respondent Nos. 2 and 3. The petitioners can very well approach the respondent Nos. 2 and 3 seeking permission to start other venture including in the essential commodities.

5. With the above said observation, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsg

To

1.The Secretary to Government
Union of India
Ministry of Petroleum & Natural Gas
Shastri Bhawan
New Delhi.

2.The Secretary to Government
Government of Puducherry
Puducherry State,
Puducherry.

3.The Director
Department of Civil Supplies Consumer Affairs
Thattanchavady, Puducherry State
Puducherry.

+1cc to Mr.R.S.Vaideeswaran, Advocate, S.R.No.21219
+1cc to the Government Pleader, S.R.No.20392

W.P.No.23227 of 2019

NR (CO)
KKV/24/07/2020



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