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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 24th April, 2020

+ W.P.(C) 2988/2020 & CM APPLs. 10388/2020 (*exemption*) & 10389/2020 (*leave to file petition*)

NAYEE SOCH SOCIETY (REGD.) Petitioner
Through: Mr. Manoj Gahlaut, Adv.

versus

MINISTRY OF HOME AFFAIRS & ORS. Respondents
Through: Mr. Anuj Aggarwal, ASC for R-2 & 3/GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C. HARI SHANKAR

: **D. N. PATEL, Chief Justice** (*Oral*)

CM APPL. 10388/2020 (*exemption*)

Allowed, subject to just exceptions.

CM APPL. 10389/2020 (*seeking leave to file petition*)

Allowed, subject to just exceptions.

W.P.(C) 2988/2020

1. The Court is convened through Video Conferencing.
2. This Public Interest Litigation has been preferred with the following prayers:-

“(i) Issue a writ, order, direction and instruction in the nature of mandamus in favour of the petitioner and against

the respondents thereby directing the respondents jointly and severally to provide the rations to the citizens of Delhi by producing his/her Aadhar Card/voter card at Fair Price Shop functioning in their area/locality.

(ii) Issue a writ, order, direction and instruction in the nature of mandamus in favour of the petitioner and against the respondents thereby directing the respondents jointly and severally to provide the details how many citizens have taken the benefit of ration by way of Aadhar Card till date during the period of lockdown since 25.03.2020 till date by way of applying on the website of the respondent No.2.

Any other order/relief/direction may also kindly be passed in favour of the petitioner and against the respondents as this Hon'ble Court may deems fit, just and proper according to the facts and circumstances of the present case."

3. Having heard learned counsel for the petitioner and the learned counsel for the respondents No.2 and 3/Government of NCT of Delhi and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated in this petition about the non-availability of ration to the persons whose names and details have been mentioned at Annexure P-3 to the memo of this writ petition who have Aadhar Card or Voter ID Card but they do not possess, at present, the Ration Card. These people ought to be provided ration as per the Government norms from the nearest available fair price shop. It is also submitted by the learned counsel for the petitioner that there can be several other persons like those whose names are mentioned at Annexure P-3. Learned counsel for the petitioner also claimed that besides the number of persons mentioned at Annexure P-3, there are further 207 persons.

4. Learned counsel appearing for the respondents No.2 and 3 submitted that they are making available ration to the persons who are otherwise eligible and having their Aadhar Cards and Voter ID Cards despite the fact that they are not in a position to present their Ration Cards. It is further submitted by the learned counsel for the respondents No.2 and 3 that the people who are non-residents of Delhi or who are migrant workers or who are stranded in Delhi during the lockdown period are being provided ration.

5. It is further submitted by the learned counsel for the respondents No.2 and 3 that they shall look into the list of the persons given at Annexure P-3 to the memo of this writ petition and they will also be provided the ration in accordance with law from the nearest fair price shop.

6. It is also submitted by the learned counsel for the respondents No.2 and 3 that the petitioner can also approach respondents No.2 and 3 with the list of more persons who are otherwise eligible for getting ration on the basis of their Aadhar Cards and Voter ID Cards. It is also submitted by the learned counsel for the respondents No.2 and 3 that if further list of persons is available with the petitioner, they can also approach the Members of Legislative Assembly of their particular area, who are having Emergency Relief Food Coupons.

7. In view of the aforesaid submissions made by the learned counsel for the respondents No.2 and 3 that they are making ration available easily to the persons who are otherwise eligible to get ration on the basis of their Aadhar Cards, Voter ID Cards etc. from the nearest available fair price shop, we expect from the respondents that they shall also keep in mind to simplify the procedure for getting ration instead of going on the website, etc. by the

poor and the needy people. These aspects of the matter will also be appreciated by the respondents and if there is any need for change in the policy decision, the same shall be simplified by the respondents looking to the need of the people at large.

8. We also direct the respondents that if any change in the policy decision is carried out for simplification in the procedure to get the ration, the same will be notified and informed to all the fair price shop owners. Moreover, the statements made by the counsel for the respondents No.2 and 3 may also be incorporated in their advisory or notes or communication to all the fair price shop owners in the city of Delhi so that the statement of the counsel for the respondents No.2 and 3 can be implemented effectively by the fair price shop owners and the benefit of simplified procedure of the respondents can reach to the public at large who are in need of ration.

9. With these observations, the writ petition is hereby disposed of.

CHIEF JUSTICE

C. HARI SHANKAR, J

APRIL 24, 2020

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