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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NOS.1477 TO 1493 OF 2009
AND
MP NOS.1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 AND 1 OF 2009

V.Palaniswamy
.. Petitioner in WP 1477/2009

V.Subramaniam
.. Petitioner in WP 1478/2009

K.Velangiri
.. Petitioner in WP 1479/2009

T.Raja
.. Petitioner in WP 1480/2009

K.Mohideen Abdul Khader
.. Petitioner in WP 1481/2009

K.P.Chinnappan
.. Petitioner in WP 1482/2009

V.Marimuthu
.. Petitioner in WP 1483/2009

K.V.Kumaraswamy
.. Petitioner in WP 1484/2009

K.Perumal
.. Petitioner in WP 1485/2009

S.Arjunan
.. Petitioner in WP 1486/2009

Smt.Misisammal
.. Petitioner in WP 1487/2009

P.Ravichandran
.. Petitioner in WP 1488/2009

K.P.Muthuswamy
.. Petitioner in WP 1489/2009

P.Shanmugam
.. Petitioner in WP 1490/2009

Kaveri
.. Petitioner in WP 1491/2009

E.K.Palaniswamy
.. Petitioner in WP 1492/2009

K.Rengaswamy
.. Petitioner in WP 1493/2009

vs.

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1. The Commissioner of Civil Supplies and
Consumer Protection,
Chepauk,
Chennai - 600 005.

.. R-1 in all WPs

2. The District Supply Officer,
Erode.

.. R-2 in all WPs

3. The Special Tahsildar,
Essential Commodities,
Erode.

.. R-3 in all WPs

Prayer in WP.Nos.1477 TO 1482,1484 to 1493 of 2009:

Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the respondents to attach 500 Family Cards to the petitioners in terms of the Common Orders in Na.Ka.1414/2006/C1 of the third respondent dated 14.06.2006 made in his proceedings and continue to supply Kerosene to the petitioners as hitherto before and consequently forbear the respondents either from altering the number of Family Cards attached to them or reduce the quantity of Kerosene supplied without hearing the petitioners.

Prayer in WP.No.1483 of 2009:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, directing the respondents herein to attach 500 family cards to the petitioner herein in terms of the common orders in Na.Ka.1414/2006/C1 of the 3rd respondent herein dated 14.06.2006, and continue to supply 500 litres of kerosene per month without interruption to the petitioner and consequently forbear the respondents herein either from altering the number of family cards attached to him or reduce the quantity of kerosence supplied without hearing the petitioner.

For Petitioner in all WPs: Mr.P.Solomon Francis

For Respondents in all WPs: Mr.M.Rajendiran,
Additional Government Pleader.

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C O M M O N O R D E R

The relief sought for in all these writ petitions is to direct the respondents to attach 500 Family Cards to the petitioners in terms of the Common Orders in Na.Ka.1414/2006/C1 of the third respondent dated 14.06.2006 made in his proceedings and continue to supply Kerosene to the petitioners as hitherto before and consequently forbear the respondents either from altering the number of Family Cards attached to them or reduce the quantity of Kerosene supplied without hearing the petitioners.

2. The grievances of the petitioners are that the policy taken by the Government to supply Kerosene by way of Retail Registration Certificate must be cancelled.

3. The petitioners are retail vendors in Kerosene and supply of Kerosene to the consumers as per the allotment and as per the price fixed by the Government from time to time.

4. As per the norms fixed by the Government, each Family Card Holder is entitled to 10 litres of Kerosene per month during the relevant point of time. If the Family Card holder is in possession of two LPG Gas Cylinders, then such persons are not entitled to get supply of Kerosene. Persons having one LPG Gas Cylinder is entitled to get 3 litres of Kerosene per month.

5. This being the Scheme formulated by the Government and the method of distribution is made under Retail Registration Certificate and as per the Scheme 500 Family Cards are allotted to one Retail Vendor, the petitioners state that the old procedure must be followed for the purpose of supply of Kerosene to the consumers.

6. The Scheme for supply of Kerosene is formulated by the Government then and there based on the needs and considering the various factors. As of now, the Retail Registration Certificate method has been pressed into service and accordingly, 500 Family Cards are allotted to one Retail Vendor and as per the Scheme, persons not having any LPG Gas Cylinder are entitled to get six litres of Kerosene per month, the persons having one LPG Gas Cylinder is entitled to get three litres of Kerosene per month and persons, who are having two LPG Gas Cylinders are not entitled to get Kerosene supply at all.

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7. This being the policy formulated and the same is in force, this Court is of an opinion that the petitioners, who all are the Retail Vendors cannot question the said policy, as their retail vending business has been ensured based on the Scheme. Policy decision, in this regard, cannot be questioned by the Retail Vendors.

8. As per the existing Scheme, 500 Family Cards are allotted to one Retail Vendor. This being the factum, the very relief sought for in all these writ petitions, questioning the Scheme of supply of Kerosene to the eligible persons, deserves no interference and therefore, the petitioners have no right to claim that the supply of Kerosene must be done only based on the old procedures, which has already been dispensed with by the Government, in terms of introducing the new policy.

9. This being the factum, the petitioners have not established any right for the purpose of considering the relief, as such, sought for in all these writ petitions.

10. Accordingly, all the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Commissioner of Civil Supplies and
   Consumer Protection,
   Chepauk,
   Chennai - 600 005.

2. The District Supply Officer,
   Erode.

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3. The Special Tahsildar,
   Essential Commodities,
   Erode.

SSD(CO)
PBS/07/01/2022

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