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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24564 of 2021

T.Manivel

... Petitioner

-vs-

1. The Additional Chief Secretary to Government,  
Co-operation food and consumer protection department,  
Secretariate,  
Chennai - 600 009.
2. The District Collector,  
Salem District,  
Salem.
3. The District Supply Officer,  
Co-operation food and consumer protection department,  
No.130, 1<sup>st</sup> Floor,  
Salem Collectorate Building,  
Salem - 636 001.
4. The Taluk Supply Officer,  
Co-operation food and consumer protection department,  
Mettur Taluk,  
Salem District, Salem.
5. The Managing Director,  
S.715, District Cooperative Marketing  
Societies Warehouse, Salem,  
Salem District, Salem.
6. The Manager,  
S.715, District Cooperative Marketing,  
Salem District,  
Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents to compel the petitioner and other



card holder to buy the grocery items by the ration shop/fair price shop functioned in Mettur Taluk in the name of "Ponni" under the control of S.715, District Cooperative marketing societies warehouse, Salem and restraining them to sell grocery items by considering the petitioner's representation dated 21.09.2021.

For Petitioner : Mr.R.Rajarajan  
for Mr.K.Prabhakaran

For Respondents : Mr.A.Selvendran  
Spl. Government Pleader  
for RR1 & 3 to 6

Mrs.V.Yamunadevi  
Special Government Pleader for R2

#### O R D E R

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents from compelling the petitioner and other card holders to buy the grocery items, from the ration shop/fair price shop functioned in Mettur Taluk in the name of "Ponni" under the control of S.715, District Cooperative Marketing Societies Warehouse, Salem and restraining them to sell grocery items by considering the petitioner's representation dated 21.09.2021.

2. The petitioner either is a member or his smart card has been linked with Lakkampatti fair price shops comes under the control of the 5<sup>th</sup> respondent, wherein, the grievance of the petitioner is that, whenever the petitioner goes for purchasing the desirable ration items, the Superintendent or the in-charge of the fair price shops insist the petitioner to purchase other items, like groceries and various other ration items, which the petitioner does not want to buy. By compelling him to purchase the same, by virtue of that, the petitioner is not able to purchase his desired ration items. Since he has been compelled to purchase unwanted / undesired or grocery items, in order to restrain the respondent from compelling the petitioner to purchase on compulsion basis of various unwanted / undesired and other items, he has approached this Court by filing the present writ petition.

3. Reiterating the aforestated, the learned counsel for the petitioner seeks indulgence of this Court to issue suitable directions forbearing the respondents in this regard.



4. However, Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents 1, 3 to 6 has relied upon the counter affidavit filed by the 4<sup>th</sup> respondent, wherein, inter alia, the 4<sup>th</sup> respondent has stated the following :

"5. I respectfully submitted that the averments contained in the para 4 of the affidavit are false. There are 187 fair price shops functioning in Mettur Taluk. The 3<sup>rd</sup> and 4<sup>th</sup> respondents allot only the essential commodities namely rice, wheat, sugar, kerosene, toor dhal and palm oil. Other than these commodities, this respondent never allot any other things like grocery items viz., Rava, Maida, couch powder etc., These things are sold by Ponni Co-operative Super Market through S.715 The Salem District Consumers Co-operative Wholesale Stores Ltd. fair price shops which is controlled by the Managing director, Ponni. Moreover this respondent do not maintain any other records related to the grocery items which are sold by the ponni co-operative Super Market fair price shops. The people need not to buy the grocery items, it is only the discretion of the public.

6. It is respectfully submitted that the averments contained in the para 5 of the affidavit are all false. The petitioner's smart card (333600536767) is linked with the Lakkampatti PDS 07EP016PY which is under the control of K.K.124, Kolathur PACCS, and it is not under the control of Management . Moreover, in this shop no grocery items such as rava and maida are sold. The details of the essential commodities bought by the petitioner from June 2021 to November 2021 are as follows.

| Sl. No | UFC Code     | Items                                                 | Quantity      | Bil No          | Bill Date    | Bill Amount |
|--------|--------------|-------------------------------------------------------|---------------|-----------------|--------------|-------------|
| 1      | 333600536767 | 1.June Cash Support Rs.2000<br>2.14 Items Grocery Kit | 1 No<br>1 No  | 362810621001716 | 28 June 2021 | Rs.0.00     |
| 2      | 333600536767 | 1. Sugar<br>2. Boiled Rice                            | 1 Kg<br>10 Kg | 362810721000573 | 14 Jul 2021  | Rs.25.0     |



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| Sl. No | UFC Code         | Items                                                                                                              | Quantity                                                  | Bil No              | Bill Date      | Bill Amount |
|--------|------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------|----------------|-------------|
| 3      | 33360053<br>6767 | 1. Palm Oil<br>2. Sugar<br>3. Toor<br>Dhall<br>4. Boiled<br>Rice<br>5. PM PHH<br>Wheat<br>6. PM PHH<br>Boiled Rice | 1<br>Pock<br>et<br>1 Kg<br>1 Kg<br>10 Kg<br>2 Kg<br>10 Kg | 362810921<br>000772 | 24 Sep<br>2021 | Rs.80.00    |
| 4      | 33360053<br>6767 | 1. Palm Oil<br>2. Sugar<br>3. Toor Dhal                                                                            | 1<br>Pock<br>et<br>1 Kg<br>1 Kg                           | 362811121<br>000317 | 03 Nov<br>2021 | Rs.80.00    |

It is submitted that the petitioner is getting essential commodity without any hindrance."

5. By relying upon these averments made in the counter affidavit by the 4<sup>th</sup> respondent, the learned Special Government Pleader would content that, the petitioner's smart card is linked with the Lakkampatti Fair price shop, which is under control of the K.K.124, Kolathur PACCS, and it is not under the control of the 5<sup>th</sup> respondent.

6. Be that as it may, in the said fair price shops, what are all the items purchased by the petitioner has been given in the table referred to above, where he had purchased only the ration items like Sugar, Boiled rice, palm oil, dhal, wheat etc.

7. At no point of time, the petitioner has been compelled to buy any unwanted ration items or grocery items.

8. The learned Special Government Pleader would further submit that, there are two types of fair price shops. One type of ration shops, where ration items alone are sold and another type of ration shops, where apart from the ration items, some essential grocery items are also sold only in the interest of the general public.

9. When that being so, it is only a misrepresentation on the part of the petitioner to state that the petitioner is being compelled by the respondents / concerned fair price shops that he should buy unwanted other ration items and grocery items as a condition precedent for purchasing the desired ration items.



Therefore, the writ petition is deserved to be rejected, he contended.

10. I have considered the submissions made by the learned counsel appearing for both the parties and perused the materials placed before this Court.

11. Now the only grievance of the petitioner is that, whenever, the petitioner goes for purchasing ration from the fair price shop, wherein, the petitioner's smart card is attached with, here it is Lakkampatti PDS 07EP016PY, he should not be compelled to buy any unwanted ration items or grocery items.

12. In this regard, a written averment has been made in Paragraph Nos.5 and 6 of the counter affidavit filed by the 4<sup>th</sup> respondent and the same has also been taken on record by this Court.

13. Moreover, the learned Special Government Pleader has made it clear that at no point of time the petitioner has been compelled to buy any grocery items, as claimed by him in the writ petition and in future also such compulsion would not be imposed on the petitioner.

14. The said stand taken by the respondent can be recorded by this Court and in view of the said stand taken by the respondents, this Court feels that by recording the above, the Writ Petition can be disposed of.

15. Accordingly, the writ petition is disposed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

rap/RR

To

1. The Additional chief Secretary to Government,  
Co-operation food and consumer protection department,  
Secretariat, Chennai - 600 009.
2. The District Collector,  
Salem District, Salem.



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+1cc to Mr.R.Rajaraman, Advocate, S.R.No.66663

W.P. No. 24564 of 2021

SJ[co]  
NSK 15/02/2022