



W.P(MD)No.13346 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.13346 of 2021

D.Raja Boopathy

... Petitioner

VS.

1.The Secretary,
Government of Tamil Nadu,
Food, Civil Supplies and Consumer Protection Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The District Supply and Consumer Protection Officer,
Collector Office Campus,
Virudhunagar District.

4.The Taluk Supply Officer,
Rajapalayam Taluk Supply Office,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the respondents to
open ration shop at Panchampatti Village, Rajapalayam Taluk, Virudhunagar

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District and dispose of the representation, dated 14.07.2021 sent by the petitioner within a time frame.

For Petitioner : Mr.M.Pandian

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to open a ration shop at Panchampatti Village, Rajapalayam Taluk, Virudhunagar District and dispose of the representation, dated 14.07.2021 sent by the petitioner within a time frame.

2.According to the petitioner, earlier, he filed a Writ Petition in W.P(MD)No.10676 of 2021 seeking the same relief and this Court, by order, dated 29.06.2021, passed the following order:-

"5.The learned Government counsel appearing for the official respondents, on instructions, submitted that there are only 90 card holders in the said Village and the distance between the Village and present ration shop where the card holders are attached in 1-1/2 km.



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6. Therefore, at this juncture, we cannot compel the respondents to open a new ration shop in the petitioner's Village. However, if there are more number of card holders, we give liberty to the petitioner to approach the concerned authorities by way of fresh representation."

3.The learned counsel appearing for the petitioner submitted that thereafter, since 211 card holders and 18 members had registered through online, the petitioner made a fresh representation to the respondents, to open a new ration shop, dated 14.07.2021, but, till date, no steps have been taken. Hence, this Writ Petition.

4.The learned counsel appearing for the petitioner further submitted that vide G.O.Ms.No.48, District Supply and Consumer Protection Officer (CA2) Department, dated 26.02.2021, the Government has opened a ration shop for 155 card holders at Tiruvarur District. The learned counsel has also produced the communication of the first respondent in Na.Ka.No.49557/2021/மொத்திதக3, dated 10.03.2022, wherein the first respondent directed the Joint Director, Virudhunagar to conduct field inspection of the place in question and to report the same.



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5.The learned Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner, dated 29.06.2021 will be considered on merits and in accordance in law.

6.In view of the abovesaid submissions, the authorities concerned are directed to consider the claim of the petitioner, taking into account G.O.Ms.No.48, District Supply and Consumer Protection Officer (CA2) Department, dated 26.02.2021 and also taking into consideration the communication of the first respondent in Na.Ka.No.49557/2021/வாஷிதக3, dated 10.03.2022, directing the Joint Registrar, Virudhunagar to conduct field inspection and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
24.11.2022



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 24.11.2022