



W.P.(MD)No.19518 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19518 of 2013

Jeyachandran

... Petitioner

versus

1. The District Collector,
Kanyakumari District.
2. The District Supply Officer,
Kanyakumari District
at Nagercoil.
3. The Taluk Supply Officer,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent vide Na.Ka.No.C1/15/2010 dated 28.03.2013 and quash the same and consequently direct the respondents to issue or disburse eligible



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commodities viz., electrical and electronic commodities, food materials and other concessional benefits against the Family Card No. 30/G/0080763 of the petitioner for the period of September 2010 to January 2013 in part with similar family card holders.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The petitioner has filed this writ petition as against the order of the 3rd respondent dated 28.03.2013.

2. The learned counsel appearing for the petitioner submits that the petitioner is working as Conductor in the Tamil Nadu State Transport Corporation. During the period from September 2010 to January 2013, he was very much available in the village. But, the petitioner's wife was working as a Teacher at Coimbatore District. By referring the same, the 3rd respondent blocked the petitioner's ration card as he is not residing in Kanyakumari and the free benefits, which



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were provided to the card-holders for the period from September 2010 to January 2013 have also been denied to the petitioner. Therefore, the petitioner is before this Court.

3. The learned Special Government Pleader, by referring the counter affidavit, submits that an inspection was conducted by the authority and during the enquiry, they found that the petitioner was not residing in the village and therefore, the ration goods for the petitioner was blocked and as a subsequent development, the petitioner's ration card was renewed and he is provided with all the benefits and as on date, he is not having any grievance. However, the grievance of the petitioner is that all the free benefits which were provided to the card-holders for the period from September 2010 to January 2013 were denied to him.

4. This Court considered the rival submissions made.



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5. The grievance of the petitioner is that free benefits which were provided to the card-holders for the period from September 2010 to January 2013 were denied to him. In view of the erroneous order passed by the 3rd respondent, the ration card of the petitioner was blocked, though he was very much available in the same locality. However, the 3rd respondent claims that they have conducted an inspection and during the inspection, they found that the petitioner was not available in that locality and therefore, his ration card was blocked.

6. This Court, under Article 226 of the Constitution of India, cannot conduct a roving enquiry in the disputed fact. Therefore, the writ petition is disposed of with liberty to the petitioner to file a separate suit as against the 3rd respondent and claim damages, if he is so advised. No costs.

13.03.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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