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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.11227 of 2023

and

W.M.P.(MD)No.9805 of 2023

S.Kumar

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Supply Officer,
Tirunelveli, Tirunelveli District.

3.The Taluk Supply Officer,
Radhapuram Taluk, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Proceedings issued by the third respondent in Na.Ka.D1/85/2023, dated 27.01.2023 and to quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently, to direct the respondents to issue Smart Card (Ration Card) to the petitioner within time frame stipulated by this Court.



For Petitioner :Mr.G.Ramanathan
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the order passed by the third respondent in Na.Ka.D1/85/2023, dated 27.01.2023.

2.Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The petitioner, who is a bachelor, claims that he is residing at No. 117, Ganapathy Nagar near Tahsildar Office, Radhapuram Taluk in Tirunelveli District. It is also seen that the said house, where he is said to residing, is in a dilapidated condition and is damaged and has not been renovated. It is his parents house. All his other brothers and sisters have moved out the house after marriage. His mother had also died. He is living alone. He is going over to Nagercoil for employment. He seeks family card to be issued to him in that particular address.



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4. In the impugned order, it had been stated that the house has been damaged and there is nobody residing there and therefore, the petitioner cannot be issued with family card giving that particular address. It had also been stated that the petitioner can apply at Kanyakumari, where he is residing.

5. These are issues on facts. These issues can never be determined by the Court on the basis of the affidavit. The impugned order had very specifically stated that the said house has suffered damages and nobody is residing in that particular house. But at any rate, since the petitioner claims that it is his ancestral house, the impugned order is set aside and a direction is given to the third respondent to issue notice to the petitioner herein, conduct inspection of the place, where the petitioner claims to be residing and if the house is not in dilapidated condition, then pass necessary orders on the application of the petitioner herein. The said exercise should be completed within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the petitioner cannot seek family card for a property in which he is not physically



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residing. Even in the affidavit filed in support of this Writ Petition, he has stated that the house has been damaged and that renovation has not been made.

6.Observing as above, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

01.06.2023

cmr

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Supply Officer,
Tirunelveli, Tirunelveli District.

3.The Taluk Supply Officer,
Radhapuram Taluk, Tirunelveli District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.11227 of 2023

01.06.2023