

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

229

**CWP-7365-2018
Date of Decision: 11.01.2023**

AMANDEEP SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. D.S. Kahlon, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents No.2 to 4 to direct/restrain the respondents No.5 to 8 from distributing the stock of wheat and other things which are being provided under the National Food Security Act, 2013 to the Beneficiary (Card Holders) through Inspectors i.e. respondent No.5 and 6 and any other persons in violation of the provisions of Section 24 of the National Food Security Act, 2013.

Learned counsel for the petitioner refers to the written statement filed on behalf of the respondents, wherein it has been averred that distribution of food grains has been undertaken through the Public Distribution Scheme in terms of Section 24 of the National Food Security Act, 2013. The relevant extract of the reply filed by respondents No.1 and 2 is reproduced hereinafter below:

“2. That the petitioner was granted the license on 11.03.2011 under the Punjab Public Distribution System (License and Control) order 2003 for regulating the sale, storage of essential commodities under TPDS by vide license no. PPDS/LIC. and again on dated 27.06.2017 it was renewed by the respondent department and license of the petitioner is valid up to March 31, 2021. The respondent department is regularly providing wheat under National Food Security Act 2013 and other essential commodities under TPDS to the petitioner for distribution to the beneficiaries (card Holders).

3. That it is submitted that on 16.03.2018, the petitioner made an application before the respondent no.2 and Director Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh regarding un-lifting of wheat. Thereafter in relation to same application, the respondent no 2 called explanation from Assistant Food Supply Officer, Ajnala and District Food Supply Officer, Ajnala The District Food Supply Officer Ajnala submitted his report on 26/06/2018 before the respondent no.2. The copy of report of the District Food Supply Officer Ajnala is Annexure R-1. The quota of wheat for each six months period is being regularly issued to the petitioner for AMRITSAR distribution to the beneficiaries under National Food Security Act 2013 and the petitioner himself distributed the wheat to the beneficiaries. It is pertinent to mention here that the respondent department issued quota of wheat to petitioner for the six months of October 2015 to March 2016 and same was distributed by the petitioner himself to the beneficiaries. The copy of ePDS Ration Distribution Register of months of October 2015 to March 2016 is Annexure R-2 Again the respondent department issued quota of wheat to petitioner for the six months of April 2016 to September 2016 and same was distributed by the petitioner himself to the beneficiaries. The copy of ePDS Ration Distribution Register of the months of April 2016 to September 2016 is Annexure R-3. It is pertinent to mention here that the quota of wheat for the six months of October 2016 to March 2017 lapsed due to enforcement of model code of conduct

of Punjab Legislative Assembly Elections. The respondent department issued the quota of wheat to petitioner for the six months of April 2017 to September 2017 and same was distributed by the petitioner himself to the beneficiaries. The copy of ePDS Ration Distribution Register of the months of April 2017 to September 2017 is Annexure R-4 The respondent department issued the quota wheat for the six months of April 2018 to September 2018 to the same was distributed by the petitioner himself to the beneficiaries using Electronic Point of Sale devices (ePoS devices) which operates through aadhaar enable identification by scanning of thumb impression of the of beneficiaries. The ePDS Ration Distribution Registers which is Annexure R3 and R4 are duly signed by the petitioner and the petitioner distributed the above six month quotas of wheat to the beneficiaries under the supervision of vigilance committee of above said area Also the ePoS device given to the petitioner for distribution of wheat was operated by him through scanning of his thumb impression which is clear evidence that wheat was distributed by the petitioner. The respondent department has time to time provided the quota of wheat and other essential commodities to the petitioner for distribution to the beneficiaries which were allocated under TPDS/ National food Security Act 2013.”

Learned counsel for the petitioner contends that in view of the aforesaid specific stand taken by the respondent-State to have carried the distribution of the food/ration through the Public Distribution System by engaging the petitioners, he has no further subsisting grievance. Therefore, the present petition has become infructuous.

Disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

11.01.2023
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No