



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH****W.P.No.16986 of 2024**

K.M.Shahul Hameed

... Petitioner

Vs

1. The Commissioner,
Civil Supplies and Consumer Protection Department,
4th Floor, Ezhilagam, Chepauk, Chennai – 600 005.

2. The Assistant Commissioner,
Office of the Assistant Commissioner,
Civil Supplies and Consumer Protection,
Canal Road, Chepauk, Chennai – 600 005.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to forthright issue the petitioner with family card based on his application bearing No.02231024168233 dated 24.10.2023.

For Petitioner : Mr.D.C.Hariprasath

For Respondents : Mr.P.Harish
Government Advocate

ORDER

Mr.P.Harish, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable a final disposal of this matter, even at the stage of admission.



2. The petitioner seeks a mandamus directing the respondents, being Commissioner and Assistant Commissioner of the Civil Supplies and Consumer Protection Department to issue a family card to the petitioner based on his application bearing No.02231024168233 dated 24.10.2023.

3. Vide communication bearing Na.Ka.No.Ka2/12255/2024 dated 30.05.2024, a copy of which is marked to the petitioner, R1 has forwarded the application to R2 directing him to look into the matter and verify the particulars required as well as satisfaction of the necessary parameters, and submit a report on or before 10.06.2024. There was no move thereafter and hence this Writ Petition.

4. Mr.Harish circulates a communication bearing Lr.No.A2/182/2024 dated 28.06.2024, which is styled almost like a counter. Therein, the officer sets out the objections of the respondents for issuance of a smart card. The officer states that since the data purification and data updation are in progress and due to imposition of model code prior to general elections, printing of new smart cards had been temporarily suspended. The Court proceeds on the basis that the process has been reactivated now.

5. The officer concludes by expressing his view that the petitioner is not entitled to a smart card, since he does not qualify for one. The officer states that the petitioner is well off and the only need for the smart card is to enable his daughter's collegiate education, per the Writ Petition.



6. While the officer may have a point, the instructions cannot be construed as either a counter or as a disposal of the representation. Hence, mandamus is issued to the respondents as follows:

i) R2 will cause enquiry and forward a report to the file of R1 within a period of two (2) weeks from today.

ii) R1 will thereafter look into the application filed by the petitioner, obtain clarifications, if any, from him and if satisfied, issue the family card as sought for, within a period of four (4) weeks from date of receipt of report from R1, in accordance with law.

iii) In the event R1 is inclined to pass an order adverse to the petitioner, it is incumbent upon him to hear the petitioner prior thereto.

7. This Writ Petition is disposed as above. No costs.

28.06.2024

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

1. The Commissioner,
Civil Supplies and Consumer Protection Department,
4th Floor, Ezhilagam, Chepauk, Chennai – 600 005.

2. The Assistant Commissioner,
Office of the Assistant Commissioner,
Civil Supplies and Consumer Protection,
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