



W.P(MD)No.5545 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.5545 of 2022

and

W.M.P(MD)No.4487 of 2022

S.S.M.Sulaiman

... Petitioner

Vs

1.The District Collector,
Kanyakumari District.

2.The District Supply Officer,
Kanyakumari District.

3.The Taluk Supply Officer,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

4.Jegatha

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notification in No.28210810238932 dated 10.08.2021 issued by the third respondent, quash the same and consequently directing the respondents to restore the name of the petitioners wife N.P.S.Nisha in the family card bearing No. 97A0026658.



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For Petitioner : Mr.A.S.Abul Kalam Azad
For RR 1 to 3 : Mr.D.Gandhi Raj
special Government Pleader
For R – 4 : No appearance

ORDER

This Writ Petition has been filed by the petitioner challenging the removal of the petitioner's wife's name from the ration card on the ground that she is the Srilankan Nation.

2.The petitioner fell in love with one N.P.S.Nisha and got married in the year 2000. After marriage, they gave birth to two children. There was a family dispute with regard to the property. Since the petitioner got a love marriage, the petitioner was not allotted any property. Therefore, the petitioner filed a suit. Hence, the petitioner's father lodged a complaint before the revenue authorities stating that the petitioner's wife is a Srilankan Citizen and illegally obtained Aadhar card, Pan card, voters identity card, Family card and Indian Passport. On the complaint, the petitioner's wife's name was deleted from the ration card. In fact, the petitioner's wife filed a petition in CrI.O.P(MD)No.19870 of 2018 and this Court, by order dated 01.11.2018, directed the respondents not



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to harass the petitioner's peaceful living in her house. Therefore no request was made by the petitioner or her wife to remove the petitioner's wife's name in the ration card.

3.On perusal of the counter-affidavit filed by the third respondent and on the submissions made by Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents 1 to 3 would reveal that on receipt of the complaint, the Superintendent of Police, Security Branch CID conducted an enquiry. On enquiry revealed that the petitioner's wife is a Srilankan Nation and got married to the petitioner, who is an Indian Citizen. Thereafter, she obtained family card, voter Identity card, Pan card and also passport as an Indian citizen. As per the instructions, the petitioner's wife's name was deleted from the ration card by the third respondent. Therefore, admittedly, no request was made by the petitioner's wife's name to remove her name from the ration card. In view of the above, the deletion of the petitioner's wife's name is arbitrary and the order passed by the third respondent dated 10.08.2021 is liable to be quashed.



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4. Accordingly, the order passed by the third respondent dated 10.08.2021 is quashed. The third respondent is directed to include the name of the petitioner's wife in the ration card forthwith.

5. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2024

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



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To

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Kanyakumari District.
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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