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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2710/2022**

SANTOSHI DEVI & ORS.

..... Petitioners

Through: Ms. Jayshree Satupute,
Ms. Aakanksha Badkur and
Ms. Farha Qureshi, Advocates.

versus

GOVT. OF UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Sarita Pandey,
Advocate for R-2 to 4.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

08.04.2024

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1. The present petition is filed under Article 226 of the Constitution for issuance of direction to the respondents with the following prayers:-

- a. **Issue a Writ of Mandamus or any other Writ directing the Respondents herein to issue a ration card to the Petitioners with names of all their family members in a time-bound manner.**
- b. **Issue a Writ of Mandamus or any other Writ directing the Respondents to dispose off pending ration card applications, and thereby issuing ration cards within NCT of Delhi, in a time bound manner.**
- c. **Direct the Respondents herein to pay the Petitioners a compensation of Rs.25,000/- towards financial hardship and litigation cost.**
- d. **Pass any other orders as this Hon'ble court may deem fit and proper.**

2. It is stated in the petition that the petitioners are residents of different parts of Delhi clustered in the Pin Code areas 110036 and 11084 residing in



Nathpura and Kadipur Village, North Delhi. The petitioners and their family members are daily wage workers with meagre income, which was also reduced due to the pandemic caused by Covid-19. The petitioners and their family members struggle to meet their basic needs of food and nutrition without a ration card and accordingly the petitioners sought the issuance of ration card as per section 2(16) of the National Food Security Act, 2013 (hereinafter referred to as the “NFSA”). The petitioners are entitled to receive the subsidised food entitlements as per section 3 of the NFSA. The petitioners accordingly prayed for issuance of ration card with the names of their family members in a time bound manner.

3. The respondent no. 3 filed the counter affidavit. The relevant portion of the counter affidavit is reproduced as under:-

4. That I say that without prejudice to the aforesaid contention, it is submitted that under the NFS Act, 2013, the percentage coverage in rural and urban areas for each State under the Targeted Public Distribution System (TDPS) is to be determined by the Central Government on the basis of the population estimates as per the census of which the relevant figures have been published.

It is further submitted that percentage coverage determined for the NCT of Delhi on the basis of 2011-12 NSSO Households Consumption Expenditure Survey data is 37.69% of the rural and 43.59% of the urban population, which as per 2011 Census, comes to 72,77,995 persons.

5. That I say that the office of the answering Respondent vide letter dated 31.12.2020 had requested the Department of Food & Public Distribution, Government of India, to increase the threshold limit of 72,77,995 beneficiaries in respect of NCT of Delhi under the NFS Act. It was further informed that the fixed threshold limit for NCT of Delhi has been reached and the remaining applications which are pending for verification/approval with the office of the answering Respondent could not be included in future allocations as the threshold limit has already been exhausted. It is however



submitted that the Department of Food & public Distribution, Government of India vide letter dated 18.01.2021 had declined the request for enhancement of threshold limit for NCT of Delhi. Copy of the letters dated 31.12.2020, 18.01.2021 and 10.02.2021 are annexed herein as Annexure C-1 (colly).

6. That I say that in the NCT of Delhi, all activities related to new ration cards including their issuance and adding beneficiary's names, are done through online process. It is further submitted that for issuing new ration cards and for addition of members in existing ration cards, the office of the answering Respondent follows the "First In, First out" (FIFO) policy, by preparing a consolidated waiting list of beneficiaries and as per the availability of vacancy under the overall quota of 72.78 lacs, the new beneficiaries are added on roil as provided in compliance of NFS Act 2013. It is further submitted that by adopting the FIFO policy, human intervention on approval of application for any of the services offered the Food and Security Department can be avoided which helps in providing a fair and transparent disposal of applications.
8. That I say that on the basis of the Aadhar numbers as provided by the Petitioners with the present petition, the current dfgrt rank of the following Petitioners as on 14.02.2022 are as under-

S. No.	Name of the Petitioner	FIFO Rank
1.	Petitioner No. 1- Smt. Santoshi Devi w/o Sh. Mohan Singh	993
2.	Petitioner No. 2- Smt. Sunita Devi w/o Sh. Mukesh Pal	1117
3.	Petitioner No. 3- Smt. Pinki Devi W/O Sh. Mukesh Prasad	931
4.	Petitioner No. 4- Smt. Saraswerti w/o Sh. Gopal	9610
5.	Petitioner No. 6- Smt. Pravesh Kumarri w/o Sh. Anil Kumar	4479
6.	Petitioner No. 7- Smt. Veermati w/o Sh. Satbeer Singh	9921



7.	Petitioner No. 8- Anita Sharma w/o Sh. Upender Kumar Sharma	9872
8.	Petitioner No. 9- Smt. Punam w/o Sh. Harish	2148

4. The Additional Standing Counsel for the respondents no. 2 to 4 stated that as per the documents submitted by the petitioner, the petitioners no. 1, 2 and 4 to 9 are found eligible for issuance of ration card and their ration card would be issued to them on the basis of First In, First Out (FIFO) Policy. The petitioners no. 1, 2, and 4 to 9 are still in the waiting list for issuance of ration card. It is further stated that as and when the petitioners no. 1, 2 and 4 to 9 were found eligible for issuance of ration card on the basis of FIFO Policy, then the ration card would be issued to them without any delay after completion of formalities as prescribed under the rules and regulations.

5. The counsel for the petitioners stated that the present petition may be disposed of with the direction to the respondents no. 2 to 4 to issue ration card as and when the petitioners no. 1, 2 and 4 to 9 are found eligible as per the FIFO Policy without any delay. It is further stated that the petitioners no. 3, 10 and 11 be also given further opportunity to submit their documents so that their case may be re-considered for issuance of ration card.

6. The present petition along with pending applications, if any, is accordingly disposed of with the direction to issue ration card to the eligible petitioners i.e. petitioners no. 1, 2 and 4 to 9 without any delay as and when they are found eligible for issuance of ration card as per the FIFO Policy and the petitioners no. 3, 10 and 11 are also given another opportunity to submit their necessary documents with the respondents no. 2 to 4 for consideration for issuance of ration card. The respondents no. 2 to 4 are directed to



re-consider the issue of issuance of ration card to the petitioners no. 3, 10 and 11 within 04 weeks after the submission of documents.

DR. SUDHIR KUMAR JAIN, J

APRIL 8, 2024

N/AM