
(2021) 08 SIK CK 0017
In the Sikkim High Court
Case No : Writ Petition (PIL) No. 7 Of 2021

Dew Kumar Chettri

APPELLANT

Vs

State Of Sikkim And Ors

RESPONDENT

Date of Decision : 21-08-2021

Acts Referred:

Sikkim Food Security (Amendment) Rules, 2017 — Section 6
Constitution Of India, 1950 — Article 226

Citation : (2021) 08 SIK CK 0017

Hon'ble Judges : Jitendra Kumar Maheshwari, CJ; Bhaskar Raj Pradhan, J

Bench : Division Bench

Advocate : Mon Maya Subba, Pema Bhutia

Final Decision : Disposed Of

Judgement

Bhaskar Raj Pradhan, J

Record of Proceedings through Video Conferencing

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking the implementation of the National Food

Security Act, 2013 (for short, "Act of 2013") read with Sikkim Foods Security Rules, 2014 (for short, "Rules of 2014") as amended vide

Sikkim Food Security (Amendment) Rules, 2017 (for short, "Amendment Rules, 2017"), in its true letter and spirit; for an order directing the

State respondents to ensure proper quantity and items of food be provided to the beneficiaries falling under the general and special categories and also

falling under the categories mentioned in section 6 of the Amendment Rules, 2017; to duly conduct social audit in order to monitor and evaluate the

planning and implementation of the Amendment Rules, 2017 and to constitute an independent committee to investigate, report and find out solution for

effective implementation of the Act of 2013.

2. The petitioner's case is that he and another associate with Human Rights Law Network, Sikkim Unit had conducted fact finding at specific

villages falling under different constituencies in East, West and South Districts of Sikkim to check whether people falling under Antyodaya Anna

Yojna (AAY), Priority Household (PHH) and Other Priority Household (OPHH) (General) categories were receiving food grain as per the provision

of the Act of 2013. This fact finding was conducted at more than seventy households. It was found that although members of AAY, PHH and OPHH

were entitled to certain benefits, but they were not provided with the same by the fair price shops. It is the petitioner's case that the data

pertaining to the quantity of wheat provided to the beneficiaries in the official State portal of the Food Civil Supplies and Consumer Department and

the reply to the query under the Right to Information Act dated 05.01.2021, are contradictory. Thus, the petitioner along with another had sent a

representation through registered AD to the office of the respondent for proper implementation of food distribution in the State of Sikkim and for duly

complying with the provisions of the Act of 2013.

3. On 10.12.2020, the petitioner had received a mail from the State of Sikkim in reply to the representation dated 21.11.2020 sent by him. The

Respondent no.1 sought the names of fair price shops that were indulging in malpractices. It is the case of the petitioner that he submitted the names

of the rural villages where the fact finding was conducted where such malpractices were being carried out by the fair price shops. However, despite

sending the details, the State of Sikkim neither took any step nor issued any reply and it has been more than six months. The petitioner also refers to

certain other information sought by some other persons and the reply thereto through which the petitioners are of the view that the State respondents

have not conducted social audit till date.

4. We have heard Ms Mon Maya Subba, learned counsel for the petitioner as well as Ms Pema Bhutia, learned Assistant Government Advocate for

the State respondents.

5. We have perused the petition, the grounds, the prayers as well as the documents therewith. We are of the view that at this stage, it would suffice if

a direction were issued to the respondents no.1 and 2 to examine the grievances

of the petitioner within a period of one month and give their written reply to him. If the petitioner remains unsatisfied and if so advised, we grant him the liberty to approach this court after the State respondents have examined the issues and has given their written reply to him.

6. The writ petition stands disposed of accordingly.