
(2020) 05 JH CK 0017

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 1322 Of 2020

Rajan Kumar Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 05-05-2020

Acts Referred:

Citation : (2020) 05 JH CK 0017

Hon'ble Judges : Dr. Ravi Ranjan, CJ; Sujit Narayan Prasad, J

Bench : Division Bench

Advocate : Anup Kumar Agarwal, Rajiv Ranjan, Rajiv Sinha

Final Decision : Disposed Of

Judgement

Dr. Ravi Ranjan, CJ

1. Heard Mr. Anup Kumar Agarwal, learned counsel for the petitioner, learned Advocate General on behalf of the State of Jharkhand as also Mr. Rajiv Sinha, learned counsel appearing on behalf of the Union of India. With consent of the parties, hearing of these matters has been done through video conferencing and there is no complaint whatsoever regarding visual/audio connectivity.

2. The instant writ petition has been filed by way of Public Interest Litigation seeking therein for issuance of a writ of mandamus directing the respondents to properly implement the notification, issued by the State of Jharkhand as contained in Letter Nos. 796 and 798 both dated 23.04.2020 (Annexure 2 to the writ petition) as also Memo No. 915 dated 14.04.2020 (Annexure 3 to the writ petition) whereby it has been decided by the State of Jharkhand through its policy decision that the food will also be provided to those who do not have Ration Cards and who come within the zone of beneficiaries as per National Food Security Act with a further direction to widely circulate the scheme and notification to the public at large, so that they can have the benefits.

3. The matter was heard earlier and in pursuance of the direction issued by this

Court, a counter affidavit was filed on behalf of the State of Jharkhand stating therein, inter alia, that there are 2,63,50,618 beneficiaries in the State of Jharkhand covering approximately 99% of the upper-limit who are being benefitted by issuance of Ration Cards to achieve the intent and object of the National Food Security Act, 2013. It has been stated that as on 23.03.2020 total number of pending Ration Card applications are 6,97,443 and additional applications accumulated on 24.04.2020 is 32,492. It has further been stated that all persons who applied for Ration Cards are being given 10 Kg. Ration per month per family from the nearest PDS Center. So far as 2,60,145 such applicants have been given ration and the process are going on at an accelerated pace. There are total 1553 Daal Bhat Kendras in Jharkhand out of which 1308 Kendras are running in which a total number of 55,79,146 persons as on 25.04.2020 have been provided food as also there are 1026 Community Kitchens being run by NGOs/Trusts/Industries in the State of Jharkhand in which 35,36,743 persons have been provided food and in addition thereto, Contingency Relief Packets have also been distributed amongst 42,396 persons which contains 2 Kg. Chooria and 500 gm. Gur. It has further been stated that the State has also provided Contingent Foodgrains Fund to each and every Mukhia and Ward Parishad of Rs.10000/- for supplying 10 Kg. food-grains free of cost to the needy persons by them in which 1,82,502 persons/beneficiaries have been benefitted.

4. Rejoinder to the said counter affidavit has been filed disputing the averments made and, as such, this Court vide order dated 27.04.2020 while adjourning the matter, directed the learned Advocate General to file parawise reply to the averments made in the rejoinder affidavit, filed by the petitioner.

5. Supplementary counter affidavit has been filed in pursuance of the order of this Court dated 27.04.2020 giving reply to the averments made in the rejoinder affidavit and while responding to the statement made in paragraph no.2 of the rejoinder affidavit, it has been stated that there are 2,63,52,123 beneficiaries in the State of Jharkhand, approximately 57,17,989 Ration Card holders covering approximately 99% of upper limit for covering of beneficiaries under National Food Security Act, 2013. The covered beneficiaries are 2,63,52,123 under National Food Security Act, 2013, which is about 80% of total population of Jharkhand as per Census 2011. It has further been stated in furtherance of the statements made in the earlier counter affidavit dated 26.04.2020 that number of applicants for Ration Cards has increased as on 01.05.2020 since by that time 3,78,495 applicants have been given Ration Cards and the process is going on by an accelerated pace.

6. It has further been stated about the measures taken by the State of Jharkhand for the purposes of providing food during the lockdown period, as would appear from paragraph no. 7 thereof.

7. It has been stated by making response to the policy decision of the Government, as contained in Memo No. 915 dated 14.04.2020 (Annexure 3 to the writ petition) that altogether 7,45,678 applications are pending for issuance

of Ration Cards and all such applicants whose applications are pending, are being given 10 Kg. ration per month per family through the nearest PDS Centers, as would be evident from letter no. 1008 dated 24.04.2020. It has further been stated that so far as transgender are concerned, the application forms contain a column under the head "others" to cover the transgender also, as would be evident from the screen shot taken from the internet, which has been annexed as Annexure C to the supplementary counter affidavit.

8. Learned counsel appearing for the petitioner in course of argument has also submitted that now the State of Jharkhand is also accepting the online applications for issuance of Ration Cards.

9. Placing reliance upon an order passed by Hon'ble Supreme Court in the case of Aayom Welfare Society & Anr. Vs. Union of India & Ors. [Writ Petition (Civil) Diary No. 11031 of 2020], learned Advocate General appearing on behalf of State of Jharkhand has submitted that the said writ petition involving similar issue for providing ration to those people who do not have any Ration Card and also for universalization of the Public Distribution System has been disposed of without issuing any direction and considering it a policy issue, left it open to the Government of India and also the concerned States/Union Territories to consider such relief. As such, submission has been made by the learned Advocate General appearing for the State of Jharkhand that by way of policy decision, the State Government is taking sincere endeavors to provide food to the needy persons during the lockdown period as also Ration Cards are being issued and the process would further be accelerated as would appear from the statement made in paragraph no.6 of the supplementary counter affidavit and hence, this writ petition may be disposed of.

10. This Court having heard learned counsel for the parties and considering the stand taken in the supplementary counter affidavit filed on behalf of the State of Jharkhand is of the view that the State of Jharkhand by way of policy decision is taking all endeavors for issuance of Ration Cards and foods are being supplied to even such applicants whose applications for issuance of Ration Cards are pending for consideration and further such process, being a policy decisions of the State of Jharkhand, has already been resorted to, as per the averments made in paragraph no.6 of the supplementary counter affidavit, there is no need to issue further direction to the State of Jharkhand in this regard. However, we hope and trust that the pending applications for issuance of Ration Cards would be dealt with without any unnecessary delay.

11. The writ petition stands disposed of accordingly.