

(2000) 11 KAR CK 0025
In the Karnataka High Court
Case No : Writ Petition No. 6548/98

Tharunya Mahila Samaja Regd.

APPELLANT

Vs

Deputy Commissioner and Others

RESPONDENT

Date of Decision : 02-11-2000

Acts Referred:

Citation : AIR 2001 Kar 35

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : A.V. Gangadharappa, for the Appellant; A. Padmanabhan, HCGP, for the Respondent

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—Petitioner is a registered Association. It is running a fair price depot. The grievance of the petitioner is that the 3rd respondent Tahsildar has reduced 121 ration cards allotted to petitioner's shop and consequently the supply of essential commodities had been reduced. Hence, it is seeking a direction to the respondents to allot and release the commodities as was done during the months of June and July 1997.

2. In the statement of objections filed on behalf of the respondents it is stated that both the Tahsildar and the Assistant Commissioner have reported to the Deputy Commissioner that the petitioner has misused 745 liters of kerosene. On complaints, the Deputy Commissioner personally inspected the petitioner's depot on 7-7-1996 and subsequently the Tahsildar made inspection. In the report submitted, it was pointed-out that the petitioner committed certain irregularities in the supply of food grains and a show cause notice was issued to the petitioner. Since the reply furnished by the petitioner was not satisfactory, the licence of the petitioner was suspended. It is stated that 121 bogus ration cards were identified in petitioner's depot and the quota was reduced proportionately. Hence, the action taken by the respondents was justified and respondents have prayed for dismissal of the writ petition.

3. The contention of Mr. Gangadharappa, learned counsel for the petitioner is that no enquiry was conducted and no opportunity was given to the petitioner and hence the reduction of essential commodities is bad in law.

4. At the outset, the petitioner has no right to approach this Court. The authorities have reduced the quota of food grains in respect of the bogus cards. Petitioner is not affected by it. If the 121 card holders are genuine, they are affected persons and they have to approach the Court and not the petitioner. Further, the statement of respondents that 121 bogus cards had been detected in petitioner's shop is not disputed by the petitioner. That being the position, petitioner cannot have any grievance for the reduction in the quantity of food grains. Hence, the petitioner is not entitled to the direction sought for in this writ petition.

5. The contention of the learned counsel for the petitioner cannot be accepted. When the petitioner has no right in the matter, question of hearing him or affording opportunity to him does not arise at all. The fact that there were irregularities in the petitioner's shop and that there were complaints against it and that the license was suspended, are not in dispute. With this background the petitioner should not have approached this Court. The writ petition is devoid of merits.

6-7. For the reasons stated supra, this Writ Petition is dismissed. The respondents are at liberty either to cancel the authorisation granted to the petitioner on the ground that it had 121 bogus ration cards and on the basis of the complaints and possession of bogus cards, after affording an opportunity to the petitioner.