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

+ W.P.(C) 8185/2020 & CM APPLs. 34408/2020, 1721/2021

SHABNAM

..... Petitioner

Through: Mr. Shubham Jain, Mr. Mohit
Mudgal, Mr. Sandeep Yadav,
Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Ayushi Bansal, Mr.
Vikrant Chawla, Ms. Arshya Singh,
Mr. Aakash Dahiya, Mr. Pradyut
Kashyap, Advocates

+ W.P.(C) 8186/2020 & CM APPL. 34436/2020

KANTA

..... Petitioner

Through: Mr. Shubham Jain, Mr. Mohit
Mudgal, Mr. Sandeep Yadav,
Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Ayushi Bansal, Mr.
Vikrant Chawla, Ms. Arshya Singh,
Mr. Aakash Dahiya, Mr. Pradyut
Kashyap, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

26.07.2023

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1. The Petitioners have approached this Court for a direction to the

Respondents to approve their applications for issuance of ration cards. They have also prayed for a direction to the Respondent for payment of food security allowance.

2. Learned Counsel for the Petitioners draws attention of this Court to Section 8 of the National Food Security Act, 2013, which reads as under:-

“8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.”

3. Learned Counsel for the Petitioners also draws the attention of this Court towards Rule 6 and 7 of the Food Security Allowance Rules, 2015, which reads as under:-

“6. Computation of food security allowance.- The amount of food security allowance admissible to entitled persons shall be computed multiplying the difference between the 1.25 times the minimum support price of the relevant foodgrains for that marketing season and the prices specified in Schedule I to the Act, with the quantity of non-supply.

7. Period within which food security allowance to be paid.-The nodal officer shall ensure the payment of food security allowance by the end of the third week of the month following the month in which the non-supply occurred.”

4. Mr. Anuj Aggarwal, learned ASC for GNCTD, states that for a person to be entitled to the benefit of Section 8 of the Act, the State Government has to first assess his right to receive food grains at subsidized prices. He states that about three lakh persons are in the waiting list and as and when

they become entitled to get a ration card, the State Government makes the assessment regarding the entitlement to get the ration card.

5. Section 8 of the Act prescribes that any person who is entitled to get a ration card is entitled to receive such food security allowance from the State Government. The quantum of allowance is prescribed in Rule 6 and 7 of the Food Security Allowance Rules, 2015.

6. Section 8 of the National Food Security Act, 2013 mandates to provide security allowance to each person if that person is entitled to foodgrains or meals under Chapter II. The State Government cannot wait till a person gets a ration card. The State Government is directed to assess as to whether the Petitioners would be entitled to receive the allowances as prescribed in Section 8 of the National Food Security Act, 2013.

7. Needless to state that it is well settled that if a person comes to a Court and gets a declaration of law in his favour, it is expected that the State shall extend the benefit to all similarly placed persons without them having to approach the Court.

8. The State Government is, therefore, directed to conduct the survey of all pending applications to see as to whether they would be entitled to receive the allowance under Section 8 of the Food Security Act. The exercise is directed to be completed as expeditiously as possible and a Status Report be filed in the matter before the next date of hearing.

9. List on 13.10.2023.

SUBRAMONIUM PRASAD, J

JULY 26, 2023

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