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**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PIL - LD - VC- 16 OF 2020

Chandrakant Kotecha Charitable Trust ...Petitioner

vs.

The State of Maharashtra
& others

...Respondents

.....
Mr. Amogh Singh i/b. Mr. Jeet J. Gandhi for petitioner.

Mr. M.M. Pabale, AGP for State.
.....

CORAM : M.S.KARNIK, J.

**DATE : 8 MAY 2020
(VIA V.C.)**

P.C.:-

In terms of the office note dated 15th April 2020 and as a precautionary measure in view of COVID-19 the hearing of this matter was conducted by a video conferencing.

2. Heard Shri Singh, learned counsel for the PIL petitioner and Shri Pabale, learned AGP on behalf of the State Government.

3. In the order dated 5th May, 2020 the stand of the State Government as stated in the affidavit-in-reply on behalf of the respondents was recorded. A grievance was then made by the learned counsel for the petitioner that at the ground level, the ration card holders are facing certain practical difficulties despite specific stand taken by the State Government in paragraph 4 of the affidavit-in-reply.

4. An additional affidavit dated 7th May, 2020 is filed on behalf of the petitioner pointing out the difficulties faced by the ration card holders despite the stand of the State Government as spelt out in the affidavit-in-reply to the PIL.

5. Learned AGP states that he has received the copy of the additional affidavit only yesterday and seeks time to take instructions.

6. It would be pertinent to reproduce paragraph 4 of the affidavit-in-reply filed on behalf of the respondents – State which reads thus :-

“4. I say that the main grievance of the Petitioner is that some of the eligible ration card holders are not getting food grain in ration shops due to certain practical difficulties. I say that the said issues are dealt with as under-

(a) That the eligible persons whose thumb impressions are not matching are not given ration-

Such persons can also be given ration by following the procedure as per Circulars dated 02.02.2018, 12.04.2018 and 20.03.2020.

(b) That ration is denied because the Ration card is not linked with AADHAR.

Such persons can also be given ration by following the procedure as per the aforesaid Circulars.

(c) That ration is denied because the ration card has become inactive due to not taking ration for more than Three months-

No person has been declared inactive as alleged by the Petitioner. The charts attached at Exhibit- B and C show that food grains purchased by ration card holders in March, 2020 and April, 2020. The same shows that many people who have not taken ration in March, 2020 have taken ration in April, 2020. Such cardholders are called silent Ration Cards. Such persons are not denied ration on account of not taking ration in earlier month. Such persons are very well entitled to get

ration.

(d) That person requiring ration is having ration card of different area and is at present in different part of Maharashtra-

Portability option is available and various persons have taken advantage of the same. The aforesaid Circulars are clear 7 about it. Copies of Circulars dated 02.02.2018, 12.04.2018, 20.03.2020 are annexed hereto and marked as Exhibit-D colly. The data for April, 2020 upto 28.04.2020 for entire State regarding use of portability option is attached herewith at Exhibit-E. It shows that substantial number of persons have taken benefits of portability option.”

7. Learned AGP on instructions states that they are proceeding as per their stand in paragraph 4 of the affidavit-in-reply. He further states that all the concerned rationing officers and all concerned will again be informed about the procedure to be followed in terms of the circulars dated 2nd February 2018, 12th April, 2018 and 20th March, 2020. Learned AGP on instructions would further submit that if any ration card holder is facing any difficulty, he may approach the concerned rationing officer for redressal of his/her grievance who can then look into the issue.

8. Learned AGP to take further instructions on the additional affidavit filed on behalf of the petitioner dated 7th May, 2020, list the PIL on 15th May, 2020.

9. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(M.S.KARNIK, J.)