

1964

Present : Tambiah, J.

M. MANIKE, Petitioner, *and* N. D. JAYAWEERA (Deputy Food Controller) *and* another, Respondents

S. C. 355/64—Application for a Writ of Mandamus

Food Control Act (Cap. 171)—Regulations framed under section 6—Regulation 4 (2) of Part III—Rice ration book—Effect of describing it as a non-national rice ration book—Citizenship Act. s. 6—Mandamus.

A holder of a rice ration book which has been described, for administrative purposes, as a "non-national rice ration book" cannot obtain a writ of *mandamus* to compel the Deputy Food Controller to issue a fresh ration book on the footing that he is a citizen of Ceylon. The mere declaration that a person is a citizen of Ceylon or a non-citizen by the officers who are bound by Regulation 4 (2) of Part III of the Food Control Regulations to issue rice ration books does not confer the status of citizenship or deprive a person of his citizenship.

APPPLICATION for a writ of *mandamus*.

C. Suntharalingam, for Petitioner.

H. L. de Silva, Crown Counsel, for the Respondents.

Cur. adv. vult.

December 8, 1964. TAMBIAH, J.—

This is an application by the petitioner, who claims to be a citizen of Ceylon, for a writ in the nature of *mandamus* directing the Deputy Food Controller, who is the first respondent, to issue the 22nd series of rice ration book to the applicant.

The first respondent in his affidavit denied that the petitioner is a citizen of Ceylon and further stated that the petitioner lived in an area where a system of rationing supplies of rice by coupons has been introduced and she is entitled to the issue of a ration book to procure supplies of the said controlled commodity in terms of Regulation 4 (2) of Part III of the Food Control Regulations (published in the Ceylon Government Gazette No. 10,416 of June 20, 1952). These regulations were framed under Section 6 of the Food Control Act (Cap. 171) of the Revised Edition of the Legislative Enactments of Ceylon 1956.

The first respondent in his affidavit stated that he had caused to be issued to the petitioner a rice ration book of the 22nd series to procure the said controlled commodity for the period 1st October, 1964 to 30th September 1966 through the Grama Sevaka of Division No. 168 of the Jaffna District and that the petitioner has taken charge of the ration book. The first respondent also stated that there are no rice ration books designated by law as “Non-National Rice Ration Books” or styled as such on their face.

Mr. Suntharalingam contended that the rice ration book issued to the petitioner has been described as “Non-National rice ration book” and she has thus been discriminated. It is not for this Court to find out whether the petitioner is a citizen of Ceylon or not or whether she has been discriminated.

The only question in this petition is whether the duty imposed by the regulations had been performed. Since the rice ration book had been issued the duty imposed upon the first respondent had been fulfilled. The mere declaration that a person is a citizen of Ceylon or a non-citizen by the officers who are authorised to issue rice ration books does not confer the status of citizenship or deprive a person of his citizenship. It would have been much better had the first respondent issued ration cards without any labels. Mr. Suntharalingam contended that these rice ration books are used to discriminate persons and that some persons holding “non-national ration books” have been refused land for settlement. Such people have remedy under Section 6 of the Citizenship Act. A person could apply to the Minister for a declaration that he is a citizen of Ceylon. There is also the common law remedy for a person to

come to Court and ask for a declaration that he is a citizen of Ceylon. It is a prerequisite to the grant of a writ of mandamus that the duty imposed either by statute or common law had not been performed—see *Ex parte Napier* ¹, *Queen on the Prosecution of Miller and Others v. County Council of Glamorgan* ². The duty imposed by the regulations is to issue a ration book for the relevant period. The relevant portions of the Food Control Regulation 4 (2) Part III (published in Govt. Gazette No. 10,416 of June 20, 1952) reads as follows : “ The Deputy or Assistant Food Controller for any District or area shall, where a system of rationing supplies by coupons has been introduced in such district or area, save as otherwise provided in regulations 6 and 7, *issue a ration book or cause a ration book to be issued to every inhabitant of that district or area who has attained the age of one year*, in order to enable such inhabitants to procure supplies of a controlled commodity during that period of control ”. The first respondent has complied with this regulation by issuing the 22nd series of the ration book for that period. Under Section 5 of the Food Control Regulations a person who issues any ration book should specify therein the name of the inhabitant to whom the book is issued and may enter any other particulars as the Food Controller may direct. In view of these provisions an entry such as “ citizen ” or a “ non-citizen ” could be entered for administrative purposes in the rice ration book that is issued. Indeed the first respondent in his affidavit has stated that the particulars in the ration book were given for administrative purposes. The regulations do not say that a particular type of ration book which is distinguished either by colour or other particulars should be issued to a person who is entitled to it.

For these reasons I dismiss the application with costs fixed at Rupees Fifty-two and cents fifty only.

Application dismissed.
