

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6502 of 2014

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Munna Sao Adopted Son Of Late Kali Saw Resident Of Mohalla - Tulsi
Gali (Rajgir), P.S. Rajgir, District – Nalanda Petitioner

Versus

1. The State Of Bihar Through Secretary Food And Civil Supply,
Government Of Bihar, Patna
 2. The District Magistrate, Nalanda At Biharsharif
 3. The Sub - Divisional Officer, Rajgir District - Nalanda
 4. The Block Supply Officer, Rajgir, Nalanda
 5. The Block Supply Inspector, Rajgir, Nalanda Respondents
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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sinha
For the Respondents : Mr. Gp-1 U.S. Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 23-11-2015 The petitioner seeks quashing of order dated 20.12.2013
passed by the District Magistrate, Nalanda in Supply case no.
60 of 2006, whereby the appellate authority has affirmed
order passed by the SDO, Rajgir, Nalanda dated 13.3.2006.

One Kali Sao was the original licensee of the PDS shop
within Rajgir block bearing License no. 745 of 1986. On
12.2.1993, Kali Sao executed Ekrarnama that the petitioner
who is his adopted son would be a co-licensee. Request of
Kali Sao was favourably considered and after his death, the
petitioner was made PDS dealer bearing Licence no. 745. It is
further relevant to notice that one Shanti Devi, wife of late
Harswardhan Prasad, natural son of Late Kali Sao filed writ
petition for allotment of license in her favour. The writ

petition was numbered as C.W.J.C.No.1435 of 2002 and disposed of on 18.3.2002 with a direction to the Licensing authority to dispose of her representation. The Licensing authority on consideration of representation, issued license in her name. The petitioner being aggrieved filed an appeal. He also filed a writ petition before this Court bearing CWJC No. 5026 of 2006 which was disposed of on 23.5.2006 with observation that the Appellate authority i.e. the District Magistrate, Nalanda would dispose of the appeal of the petitioner within two months. The petitioner is aggrieved by the dismissal of the said appeal.

Learned counsel for the State submits that even Shanti Devi has died and in that view of the matter, the petitioner should produce succession certificate in support of his case that he is the adopted son of Late Kali Sah.

In my view, the submission of State counsel cannot be said to be unreasonable. The writ petition is disposed of with liberty to the petitioner to obtain succession certificate and produce it before the Licensing authority, who would then pass appropriate order in accordance with law.

Shashi.

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(Samarendra Pratap Singh, J)