

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16251 of 2013

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Sanjay Kumar, son of Late Arjun Paswan, resident of Village- Berhna,
under Gram Panchayat Raj Mirjapur West Berhna, Post Office- Berhna,
Parkhand- Barh, Police Station - Barh, Subdivision- Barh, District - Patna
..... Petitioner.

Versus

1. The State of Bihar through the Additional District Magistrate, Supply
Branch, Patna Collectorate Building, Patna
 2. The Sub-Divisional Officer, Barh, District - Patna
 3. The Parkhand, Supply Officer, Parkhand Barh, District - Patna
..... Respondents.
- =====

Appearance :

For the Petitioner/s : Mr. Ramchandra Pandey, Advocate
: Mr. Raj Nandan Prasad Singh, Advocate
For the Respondent/s : Mr. Prabhat Bharti, AC to GP-23

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 22-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is son of late Arjun Paswan, who was
earlier a P.D.S. licensee under Bihar Trade Articles (Licenses
Unification) Order, 1984 and later on, under 2007 P.D.S. (Control)
Order, 2007.

Arjun Paswan, the father of the petitioner, died on
26.01.2012. Before his death, he had renewed his license from
20.10.2011 up to 30.06.2016. On his death, the petitioner applied
for grant of P.D.S. license on compassionate ground in terms of
Clause 2.5 of the 2007 Control Order. The licensing authority
declined to grant him license on the ground that Clause 2.5 as
amended on 23.06.2011 prohibit grant of license to the heirs, in
case the licensee was more than 55 years of age, at time of his

demise. It is the further case of the State that the petitioner's father was 78 years of age on the date of his death (26.01.2012).

The petitioner submits that the said amendment would not have any application in his case, as his father got his license renewed on 20.10.2011.

The plea of the petitioner is fit to be rejected on two grounds: Firstly, the amendment barring grant of P.D.S. license on compassionate ground in case of demise of a licensee above 55 years of age, was incorporated on 23.06.2011, much prior to renewal of P.D.S. license of petitioner's father on 20.10.2011. Secondly; the father of the petitioner died on 26.01.2012 and as such 2011 amendment, which came into effect on 23.06.2011, would be applicable in any view of the matter.

I thus find no merit in this application and it is, accordingly, dismissed.

(Samarendra Pratap Singh, J.)

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