

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.249 of 2014

=====

Bipin Sah son of Late Bhagwat Sah, resident of village and P.O. Barwat Sena, P.S. Behia Town, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Joint Secretary of State, Food and Consumer Protection Department, Old Secretariat, Patna
2. The District Magistrate, Bettiah, District - West Champaran
3. The Sub - Divisional Officer, Betia Sadar, District - West Champaran

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-03-2015 Heard Mr. Rajeev Kumar Labh, learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks to question an order bearing Memo No. 419 dated 2.5.2005 whereby the license granted to the father of the petitioner bearing no. 16 of 1994 for running a fair price shop under the Public Distribution System was cancelled.

Fact of the case demonstrates that the cancellation order was questioned by the father of the petitioner in CWJC No. 12061 of 2005 which was dismissed for default vide order passed on 10.1.2012. In between the father of the petitioner deceased on 08.12.2010. It is the case of the petitioner that it is absence of information that neither any steps could be taken by him for

getting substituted in the writ petition or to follow the matter.

Mr. Rajiv Kumar Labh, learned counsel for the petitioner while making such submissions also submits that process is on for allotment of license to eligible candidates and thus the case of the petitioner may also be considered without prejudice to the order of cancellation passed in respect of his father.

I have heard learned counsel for the parties and taking note of the passage of time that has taken place in the matter, this Court is not persuaded to permit the petitioner to question the cancellation order passed against his father as back as on 2.5.2005. However, this would not preclude the petitioner to apply for grant of fresh license for running a shop under the Public Distribution System and which prayer of the petitioner shall be considered by the authorities concerned on its own merit without being prejudiced by the cancellation order passed against the father of the petitioner.

The writ petition stands disposed of accordingly.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--