

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.430 of 2009

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Usha Kumari, wife of Ram Sunder Singh, resident of Banwa Khaira, PS.
Dibra, Distt. Aurangabad.

.... Petitioner/s

Versus

1.The State of Bihar.
2.The Sub Divisional Officer, Aurangabad.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGENT

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16-01-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application
reads as follows:-

“That this writ petition is being filed on behalf of the petitioner for direction to the S.D.O., Aurangabad to accept late fine for renewal of Liscence No. 5/D/92 granted under the provisions of Bihar Trade Articles Liscence Unification Order, 1984 because the renewal fee was deposited on 4.1.2003 without any late fine for the year 2003.”

Learned counsel for the petitioner in fact while pressing the prayer of the petitioner is frank and candid that the license of the petitioner was subsequently cancelled in the year 2006, whereafter the petitioner continues to be without license. According to him, the petitioner, however, despite non-renewal of license could continue to get the benefit of license for the period till 2006, when her license was cancelled. He would, accordingly, submit that a

direction should now be issued to the respondents to consider the case of the petitioner for restoration of the license which was cancelled in the year 2006.

The aforesaid submissions have been recorded only for its being rejected.

Firstly, when the petitioner's license was not renewed in the year 2003, she had a cause of action and at that point of time it was quite easy either for the higher authorities or for this Court to allow the claim of the petitioner of depositing of the late fee for renewal of the license. That however was not done and this writ application came to be filed on 09.01.2009, much after the alleged cause of action.

The things got even worse keeping in view that the benefit of license of the petitioner was withdrawn sometime in the year 2006. Thus, in either case the petitioner has remained without license for a period of over 9 to 12 years.

Thus, today any direction issued to the respondents to accept the late fee for restoration of the license of the year 2003, itself that cannot be now allowed for its restored to the

petitioner in the year 2015.

As a result, of the aforesaid findings, this writ application in respect of relief sought herein must fail and is, accordingly, dismissed.

The dismissal of this writ application, however, will not come in the way of the petitioner in approaching the authorities for grant of fresh license and the respondents would be under bounden duty to consider such grant of fresh license to the petitioner by taking into account that her earlier license got expired not on account of any other reason but only due to her not depositing the license fee within the prescribed period.

(Mihir Kumar Jha, J)

Ranjan/-

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