

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.16695 of 2003

Date of decision: 25.02.2015

Smt. Anita Puri widow of late Shri Daljeet Singh Puri, resident of
House No.300, Shiv Colony, Gali No.1, Rewari (Haryana).

... Petitioner

versus

The Union of India through the Commissioner and Secretary,
Ministry of Railway, New Delhi, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Hitesh Kumar Sammi, Advocate,
for Mr. N.L. Sammi, Advocate,
for the petitioner.

Mr. N.D. Achint, Advocate,
for respondent No.5.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petitioner is a widow of one Daljeet Singh Puri and the son of Maya Devi. The 5th respondent is the daughter of Maya Devi. Maya Devi had been allotted a stall in a Railway Station at Rewari, but Maya Devi had died before the conclusion of the licence period when the daughter had claimed the licence for the rest of the period and the petitioner also appears to have staked her claim.

When the licence was still not issued, the 5th respondent appears to have filed a writ petition in CWP No.20109 of 2002 before this court for grant of licence. The petitioner had not been made a party. The court had directed the 5th respondent's claim for licence to be considered and subsequently, she was favoured also with a licence. The writ petition is filed stating that the 5th respondent has secured an order from the court in CWP No.20109 of 2002 by suppression of material facts.

2. Whatever could be the merit of a claim of the petitioner as the daughter-in-law of the licensee, the period of original licence must have expired by now and the continuance in the stall could arise only on consideration of the mutual merits of the persons claiming as legal heirs of the licensee if the rules provided for such preferential consideration of licence to the legal representatives of the erstwhile licensee. A widowed daughter-in-law of a predeceased son is at par with the daughter in the scheme of succession under Section 15 of the Hindu Succession Act. If there is any regulation that allows for consideration on the basis of heirship, the petitioner may engage the authorities by an appropriate representation, if only the allotment as a licensee in favour of the 5th respondent has continued in her capacity as a legal representative of the original licensee. If such a representation is given by the petitioner and the 5th respondent has the benefit of allotment continuing in her favour

from the time when Maya Devi had died, till now a fresh decision will be taken in the light of the relevant rules and instructions after joining the 5th respondent in any form of enquiry that may become necessary. The prayer in the writ petition as asked for is not capable of being granted but the writ petition is disposed of with the above directions for fresh consideration only if the 5th respondent is still the licensee.

(K.KANNAN)
JUDGE

25.02.2015
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