

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6700 OF 2014

(SMT. ASHABAI WD/O. VILAS CHAPADE...VS..STATE OF MAH. THR.COLLECTOR & 2 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : AUGUST 01, 2016.

Heard Shri S.K. Bhoyar, advocate for the petitioner, Shri A.S.Moon, advocate h/f. Shri M. Anilkumar, advocate for the respondent No.3 and Ms H.N. Prabhu, A.G.P. for the respondent Nos. 1 and 2.

Shri Vilas Barkhuji Chapde (husband of the petitioner) was allotted licence for fair price shop. Vilas Chapde died on 18th February, 2004. The petitioner claiming to be the widow of Vilas Chapde submitted an application on 10th June, 2013 to the Tahsildar requesting that the licence granted in the name of Vilas Chapde be transferred in the name of the petitioner. The claim of the petitioner is not accepted and the District Supply Officer by the order dated 16th August, 2014 upheld the claim of the respondent No.3 for grant of licence of fair price shop. The petitioner, being aggrieved in the matter, has approached this Court.

The learned advocate for the petitioner has relied on the government resolutions which show that the widow of holder of the licence for fair price shop is entitled for transfer of the licence in her name after the death of original licence

holder. In the present case, Vilas Chapde (husband of the petitioner) died on 18th February, 2004, a proclamation was issued on 14th December, 2010 regarding the procedure for allotment of licence of fair price shop, the petitioner neither raised any objection nor submitted any application and she submitted application on 10th June, 2013. The procedure for grant of licence for fair price shop is conducted and the licence is issued in favour of the respondent No.3 on 16th August, 2014. In the facts of the present case, I am not inclined to consider the grievance of the petitioner. The provision for transfer of the licence in the name of the dependent of the deceased licence holder is as compassionate measure and if the dependent is not in need of the licence and if application is not made by the dependent for nine years, it cannot frustrate the right of the other eligible claimants.

In view of above, the petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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