

CWP-1283-2016

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

CWP-1283-2016

Date of Decision: 30.03.2016

Ramesh Kumar

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sanjeev Sharma, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.3-District Controller, Food and Supplies and Consumer Affairs, Patiala, to issue depot licence in the name of the petitioner on the basis of letter dated 25.07.2014 (Annexure P-5).

I have heard learned counsel for the parties and perused the record.

It is the case of the petitioner that respondent No.3 had issued

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a depot licence in the name of Gurcharan Singh son of Sampuran Singh, in the category of Ex-serviceman vide letter No.PAT/PDS/U/349 dated 29.12.2006 and the petitioner was a shareholder in the said depot. The aforesaid Gurcharan Singh expired on 20.09.2008 as a bachelor. As per the petitioner, the aforesaid Gurcharan Singh had executed Will, special power of attorney and affidavit dated 23.04.2007 (Annexures P-1 to P-3, respectively) to the effect that after his death, his share in the said depot will fall to the share of the petitioner.

Perusal of letter dated 24.07.2016 (Annexure P-5) shows that one Smt. Mandeep Kaur wife of Sher Singh claiming herself to be niece of deceased-Gurcharan Singh requested for transfer of the depot in her favour. Further, one Surjit Singh son of Sampuran Singh claiming himself to be brother of deceased, also requested for transfer of the depot in his favour.

However, the depot is not the personal property of anyone and it cannot be transferred on the basis of Will or inheritance. Therefore, the petitioner cannot claim transfer of the depot in his name on the basis of the alleged Will, special power of attorney or affidavit.

In view of above, I do not find any merit in the present petition.

Dismissed in limine.

30.03.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge