

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11154 of 2016

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Kanchan Sao, son of Late Jagat Sao, Resident of Mohalla- Newati Mohalla Maner,
Ward No.1, Nagar Panchayat, Post Office+Police Station- Maner, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food Consumer and Protection, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur (Patna).
4. The District Supply Officer, Patna.
5. The Assistant District Supply Officer, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar, Adv.
Mr. Raju Kumar, Adv.

For the Respondent/s : Mr. A.C. to S.C.-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-05-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner wants issuance of licence of
P.D.S. Shop in place of his father as having been claimed that his
father has died in the year 1988.

3. It appears that the father of the petitioner was running
a P.D.S. shop under the licence No. 36 of 1975 and the last



renewal of licence of P.D.S. shop was made on 15.03.1988. Thereafter, the father of the petitioner has closed the shop in the year 1988 itself and died on 7.12.2006. After closure of the shop for 27 years, the present petitioner has filed an application for issuance of licence of P.D.S. shop in place of his father.

4. Admittedly, when the father of the petitioner has died, the P.D.S. shop was not running as his father has closed the shop in the year 1988. For last 18 years the father of the petitioner kept shop closed and after 27 years the petitioner has filed the application for issuance of licence of P.D.S. shop, which is not permissible. The issuance of licence of P.D.S. Shop can only be considered for those whose father at the time of death was running the P.D.S. shop, not to the person whose father has already closed his P.D.S. shop 27 years earlier.

5. In such view of the matter, this writ application stands dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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