

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4060 of 2017

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1. Vimala Devi, Wife of Late Umesh Kumar, Resident of Village-
Shelhauri, Post- Belhauri, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Old Secretariat, Patna.
2. The Collector and District Magistrate, Patna, District- Patna.
3. The Sub-Divisional Officer, Paliganj, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the State : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 18-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This writ petition has been filed for issuance of appropriate writ/order and direction for quashing and setting aside the order passed by the Sub Divisional Officer, Paliganj and issued the same vide Memo No.288 dated 10.11.2012 whereby and whereunder licence of the petitioner's fair price shop bearing no.95 of 2007 has been cancelled contained in Annexure-1 and quashing and setting aside the order dated 26.6.2015 passed by the Collector-cum-District Magistrate, Patna in. E.C. Case No.41 of 14-15 contained in Annexure-5 whereby and whereunder appeal filed by the petitioner against



the cancellation order has been rejected.

Learned counsel for the petitioner submits that petitioner is heir of the deceased licensee and she is entitled for consideration of licence on compassionate ground under Rule 10 of the Bihar Targeted Public Distribution System (Control) Order, 2016 which deals with the grant of licence on compassionate ground. As petitioner is the wife of licensee, if any application is filed, will be considered on merit for granting compassionate licence as the licence on death of her husband has terminated automatically.

In such view of the petitioner, petitioner will be at liberty to apply for licence of fair shop on compassionate ground and Licensing Authority will consider her case and take decision in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

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(Shivaji Pandey, J)

