

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4787 of 2015

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Raghav Saran Singh Son of Late Shiv Nath Singh resident of Village-Pantoka
P.S- Ramgarhwa , Dist- East Champaran.

.... Petitioner

Versus

1. The State of Bihar , through Principal Secretary, Urban Development Department, Bihar , Patna.
2. The District Magistrate, East Champaran.
3. The District Supply Officer, East Champaran.
4. The Sub-Divisional officer, Raxaul, East Champaran.
5. Supply inspector, Ramgarhwa Block, District- East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Anuj Kumar, Advocate.

For the Respondents : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

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

2. The present writ petition has been filed for quashing
the part of the memo no. 51 dated 19.01.2011 contained in proposal
no. 4, whereby and whereunder the committee has refused to allot PDS
shop in the name of the petitioner on compassionate ground in place of
his father Late Sheo Nath Singh who was the holder of PDS Shop
bearing no. 29/85.

3. Learned counsel for the petitioner submits that an
application for grant of PDS license on compassionate ground was filed



consequent upon the death of the petitioner's father on 12.11.2005 which however has been rejected by the impugned order dated 19.02.2011 (Annexure-7).

4. Learned counsel for the respondents appears and opposes the writ petition stating that the PDS licence of the petitioner's father was cancelled during his lifetime. Such cancellation never came to be challenged and attained finality. It is therefore submitted that the PDS licence in the name of the petitioner's father was not existing on the date of his death and as such the petitioner had no occasion to apply for grant of PDS license on compassionate ground.

5. Having heard the parties and on a consideration of the materials on record, I find the writ petition to be devoid of merit. It is not in dispute that the PDS licence of the petitioner's father had been cancelled within his lifetime. Such cancellation was not challenged and hence attained finality. There was thus no existing PDS licence in the name of the petitioner's father at the time of his death and as such the petitioner could not have sought for grant of PDS license on compassionate ground in the year 2007, two years after the death of his father. I may also note that the rejection of the petitioner's application for grant of PDS license was passed in terms of the impugned order on 19.01.2011 and there is considerable delay and laches on the part of the petitioner in approaching this Court after an



inordinate delay in the year 2015 without adequate explanation.

6. In the above circumstances, I am not inclined to interfere in the matter. The writ pettion stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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