

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1445 of 2016

In
Civil Writ Jurisdiction Case No.752 of 2016

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Shila Kumari Devi, Wife of Sri Ram Prakash Yadav, Resident of Village- Akraha, Post and P.S.- Hayaghat, District- Darbhanga.

... .. Appellant

Versus

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

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-9
		Mr. Vishwambhar Prasad, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 23-01-2018

Heard counsel for the appellant and counsel for the State.

Writ application of the appellant has been dismissed by the learned single Judge both on the merits as well as on the ground of laches.

The issue related to the termination of the licence No.11/1994 of P.D.S. shop, which the appellant was running then. That decision was taken way back on 18.07.2003. A writ was filed only in the year 2016 seeking quashing of the decision dated 18.07.2003. The learned single Judge dismissed the writ application primarily on two grounds, one that the previous licence, which was issued to the appellant, was under the Bihar Trade Articles (Licenses Unification) Order, 1984 and now a



Public Distribution System (Control) order, 2001 has been notified in the year 2007. The process of such selection and appointment has totally undergone a change, therefore, there is no question of revival of the old licenses merely on the basis of reworking the P.D.S. on the basis of population.

The second aspect, which has been taken note of by the learned single Judge, is that a challenge is sought to be thrown after 13 years of the cancellation of the licence and nine years after coming into force of the 2007 Control Order. This amounts to laches and delay, which are writ large on the face of the record.

We are also of the opinion that certain settled situations cannot be allowed to be unsettled now in view of the changed law as well as the time period when the cancellation order had been passed in the year 2003 with no response or reaction or agitation on the part of the petitioner in such a decision for so many years.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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