

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18285 of 2015

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Mahadevi wife of Nagina Manjhi, resident of Village- Manika Vishunpur Chand,
P.S. Mushahari District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Muzaffarpur.
3. Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur.
4. The Block Supply Officer, East Muzaffarpur, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kr. Singh No.1, Advocate.

For the Respondents : Mr. Vivek Prasad, GP-18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

The present writ petition has been filed for a direction to the respondents for allotment of Public Distribution System shop to the petitioner.

2. It is submitted that the petitioner's mother-in-law was a PDS shop licensee at the time of her death on 20.01.2007 and the petitioner has thereafter applied for grant of license in terms of her application dated 13.10.2014 (Annexure-1). It is submitted that no action has been taken on her application and the PDS shop continues to be tagged with another PDS shop.

3. Learned counsel for the respondents, on the other hand, submits that according to Clause 2.5 of the Public Distribution



System (Control) Order, 2001 sets out a limit of two years for filing of application by dependents of a deceased license holder for grant of PDS license. In the present case, the petitioner has admittedly filed the application for grant of PDS license after an inordinate delay of about 7 years and as such the same was not eligible for consideration.

4. Having regard to the nature of grievance of the petitioner and the stand of the respondents, this Court is not inclined to interfere in the matter. It is not in dispute that the application for grant of PDS license on compassionate basis has been filed after an inordinate delay and the petitioner has not acted with due diligence.

5. The writ petition is accordingly dismissed.

6. Needless to say, the petitioner shall be at liberty to apply afresh as and when the advertisement is issued for grant of PDS license in future.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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