

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13796 of 2014

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1. Shail Kumari Devi W/o Late Ram Prakash Rai.
 2. Amar Kumar son of Late Ram Prakash Rai
 3. Mausam Kumari D/o Late Ram Prakash Rai

All residents of Village- Rajaura, P.S. Muffasil, District Begusarai.

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Patna
2. The Collector, Begusarai
3. The Sub-Divisional Officer, Begusarai, District- Begusarai
4. The Block Supply Officer, Begusarai
- 5 Shabnam Kumari D/o Late Ram Prakash Rai W/o Murari Singh, resident of Village- Malpur, P.O. Barepura, district- Begusarai.
- 6 Nitu Kumari D/o Late Ram Prakash Rai W/o Abhimanyu Kumar, resident of Village- Datarpur, P.S. & District- Begusarai.
- 7 Bhawani Kumari D/o Late Ram Prakash Rai and wife of Hari Prasad, resident of Village- Maranchi, P.S. Maranchi, District- Patna.
- 8 Nutan Kumari D/o Late Ram Prakash Rai and wife of Vikas Kumar, resident of Village- Haiwatpur, P.O. Korea, District- Begusarai, at present residing at Village- Rajaura, P.S. Muffasil, P.O. Rajaura, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. Ajay, GA-12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-01-2018

I.A. No. 9575 of 2015

This interlocutory application has been filed for substitution of the sole petitioner, who died on 17.05.2015, during the pendency of the writ petition.

2. Learned counsel for the respondents appears and has no objection to such prayer.

3. Having regard to the nature of the prayer, let the name



of the petitioner be substituted with the names of his legal heirs, namely, Shail Kumari Devi, Amar Kumar, Mausam Kumari in the array of the petitioners and the names of Shabnam Kumari, Nitu Kumari, Bhawani Kumari, Nutan Kumari in the array of the respondents as described in paragraph-1 of the I.A. The interlocutory application stands disposed of.

4. Learned counsel for the petitioners is permitted to make necessary corrections in the array of the parties in course of the day.

C.W.J.C. No. 13796 of 2014

5. The present writ petition has been filed for setting aside the order dated 28.02.2013 contained in Memo No. 157 dated 01.03.2013 by which the learned S.D.O., Begusarai cancelled the license of the petitioner granted under the provision of Fair Price Shop of order and/or PDS Order 2001 for carrying on business of Fair Price Shop; and further for setting aside the order dated 07.06.2014 passed in Misc. Case No. 43/2013 by which the appeal filed against the order of the learned S.D.O., Begusarai was affirmed by the learned Collector and the appeal was rejected.

6. Learned counsel for the petitioners fairly concedes that even if it be held after hearing the parties, that the impugned order of cancellation of PDS license was passed without providing adequate opportunity, the matter would at best have to be remanded for fresh



consideration. It is further conceded that validity of the PDS license would not enure beyond the date of death of the original petitioner.

7. In the above circumstances, learned counsel for the petitioners submits that the present writ petition need not be pressed if liberty is granted to the petitioners to represent before the concerned authority for grant of a PDS license on compassionate basis.

8. Having regard to the nature of the prayer now made on behalf of the petitioners, the writ petition stands disposed of, leaving it open to the petitioners to approach the concerned authority for redressal of their grievances.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.02.2018
Transmission Date	N.A.

