

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14258 of 2017

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Rehana Khatun, w/o. Md. Azajul Haque, Resident of Village- Makhadu Chak,
Police Station- Sigori, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Paliganj, District- Patna.
4. The Block Supply Officer, Paliganj, Dist.- Patna.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Binay Kumar, Adv
For the Respondent/s : Mr. ARVIND UJJWAL-SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 26-02-2018

I.A. No. 863 of 2018

This interlocutory application has been filed for substitution of the sole petitioner, who died on 22.09.2017, 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 name of his wife, namely, Rehana Khatun as described in paragraph-3 of the I.A. The interlocutory application stands disposed of.

4. Learned counsel for the petitioner is permitted to make necessary corrections in the cause title in course of the day.

C.W.J.C. No. 14258 of 2017

5. The present writ petition has been filed for setting aside



the order dated 04.09.2017 contained in Memo No. 274 by which the learned S.D.O., Paliganj, District Patna has cancelled the licence of the petitioner granted under the provision of Fair Price Shop of order and/or PDS (Control) Order 2001 and Bihar Targeted Public Distribution System (Control) Order, 2016 for carrying on business of Fair Price Shop.

6. Learned counsel for the petitioner 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 petitioner 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 petitioner, the writ petition stands disposed of, leaving it open to the petitioner to approach the concerned authority for redressal of her grievances.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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