

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 12140 of 2018 (O&M)

Date of Decision: 30.05.2018

KRISHAN KUMAR

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Sudhir Rana, Advocate,
for the applicant-petitioner .

RAKESH KUMAR JAIN, J. (Oral)

CM-8324-CWP-2018

This application is filed for placing on record the Haryana Control Bricks Supplies Order, 1972 as Annexure P-4.

Application is allowed and the document Annexure P-4 is taken on record.

CWP No. 12140 of 2018

Learned counsel for the petitioner has submitted that there was a Brick Kiln in the Village Rasiawas, Tehsil Bawal, District Rewari under the sole proprietorship of M/s Chankaur Bhatta Company of the petitioner's father namely Amarjit Singh who had the license dated 17.01.2008 to run the Brick Kiln, valid upto 31.03.2014. The petitioner's father had applied for renewal of the said license for the years 2014-2015, 2015-2016 and 2016-2017 by filing different applications dated 28.03.2014, 17.03.2015 and 11.03.2016 respectively. While these applications were pending, his father died on 27.08.2016. After the death of his father, the petitioner filed an

CWP No. 12140 of 2018 (O&M)

application for renewal of the aforementioned license on behalf of his father as well as for transfer the same in his name. The said application was dismissed by respondent No. 3 vide order dated 21.12.2017 but his appeal has been allowed by respondent No. 2 subject to condition that the petitioner would submit the succession certificate in his favour.

I have heard learned counsel for the petitioner and perused the available record with his able assistance.

It is needless to mention that the license to run the business of Brick Kiln is regulated by the Haryana Control Bricks Supplies Order, 1972 (hereinafter referred to as “the Order”). Learned counsel for the petitioner has fairly stated that there is no provision under “the Order” for transfer of license from one person to another. However, it is also not in dispute that the petitioner is seeking renewal of the license in the name of his father who had expired on 27.08.2016. It is very strange that once his father is no more in this world then on what basis the petitioner is seeking renewal of the license in the name of his father and to further transfer the same to him.

Admittedly, Brick Kiln was being run under the proprietorship firm of petitioner’s father (Amarjit Singh) and the license was issued in the name of the firm. After the death of the petitioner’s father, the proprietorship would come to an end and therefore, even the order dated 21.12.2017 passed by respondent No. 2 is fallacious. However, the petitioner may, if so advised, file an application for obtaining a new license in his name or the firm floated by him for the purpose of running the Brick Kiln but in no case, the license can be renewed in the name of a dead person and be further transferred in the name of the petitioner.

CWP No. 12140 of 2018 (O&M)

In case, an application is filed by the petitioner, the fee and taxes etc. already paid by him for seeking renewal shall be taken into consideration.

With these observations, this writ petition is disposed of.

May 30, 2018

Ess Kay

[RAKESH KUMAR JAIN]
JUDGE

<i>Whether speaking / reasoned :</i>	✓ Yes	/	No
<i>Whether Reportable :</i>	Yes	/	No