

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1824 of 2019

Abdhesh Kumar S/O Late Ramlakhan Prasad @ Ramlakhan pr.Yadav R/O
village-Sanauadih(hasanpur),Police Station -Harnaut.District-Nalanda

... .. Petitioner

Versus

1. The State of Bihar through District Magistrate,Nalanda
2. The Sub-Divisional Officer,Biharsharif,Nalanda Biharsharif,District-Nalanda
3. The District Supply Officer,Biharsharif Biharsharif Dist-Nalanda

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ranvijay Singh, Advocate

For the Respondent/s : Mr.Upendra Pratap Singh AC to SC 4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner as well as

learned counsel representing the State.

Learned counsel for the petitioner is permitted to make
necessary correction in Paragraph-1 of the writ application with
regard to the nature of the writ.

Petitioner is questioning the order passed by Sub-
Divisional Officer, Biharsharif, District Nalanda as contained in
Memo No. 655 dated 15.12.2018 (Annexure-1) by which the
request of the petitioner to grant him license of the public
distribution shop on compassionate ground has been refused.

A perusal of the impugned order shows that the father of
the petitioner was having license of public distribution shop but
during his lifetime the said license was cancelled on 13.03.2001.
Since the license of the father of the petitioner was not in



existence on the date of death, the Sub-Divisional Officer has taken a view that it would not be just and proper to consider the case of the petitioner for grant of license on compassionate ground.

Learned counsel for the petitioner has drawn the attention of this Court towards Annexure-3 to the writ application saying that perhaps father of the petitioner had challenged the cancellation order before the Collector, but the Collector had dropped the proceeding instead of deciding the matter on merit. When the order of the Collector was challenged before this Court, the same was set aside and the matter was remitted to the appellate authority.

The petitioner has not stated in the writ application that the order of cancellation of license of his father has been set aside in appeal, rather a vague plea has been taken in Paragraph-10 of the writ application that the father of the petitioner has died in a road accident on 22.01.2009 and till then the proceeding had not been decided.

Apparently the petitioner is not giving true and correct position of the matter. If the appeal preferred by his father has not yet been decided, he could have been advised to pursue the appeal if right to sue subsist.



So far as the present writ application is concerned, this
Court finds no reason to interfere with the impugned order.
The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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