

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 WRIT PETITION NO.1103 OF 2020

**SANTOSH RANGNATH KAKDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Kale Ajeet B.
AGP for Respondents : Mr. P.G. Borade
Advocate for Respondent No.5 : Mr. S.D. Hiwrekar
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 15th SEPTEMBER, 2021

PER COURT:-

1. This petition has been filed by the aggrieved card holders who seek action against respondent no.5 who was holding the license to operate the fair price shop, in the light of their complaints mentioned in prayer clause (C). However, during the pendency of this petition, respondent no.5 has passed away. The learned advocate representing respondent no.5 has filed a purshis dated 04.09.2021 along with the death certificate of respondent no.5. The compilation of documents (three pages) tendered by the learned advocate for respondent no.5 are collectively marked as 'X' for identification.

2. The learned AGP submits that, with the death of respondent no.5, there would not be an automatic transfer of the fair price shop license to the legal heirs of the deceased, save and except by following the due procedure of law.

3. In view of the above, this petition is rendered infructuous. The same is therefore disposed off. We, however, grant liberty to the petitioners to resort to a remedy as may be permissible in law if the license held by the deceased respondent no.5 is transferred in the name of his legal heir.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)