

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8793 of 2022

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Ramadhar Prasad Son of Late Parmanand Ray Resident of Village- Jaypal
Tola, Post- Bara Jairam, District- East Champaran. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Food and Civil Supply
Department of Bihar at Patna.
2. The Collector of East Champaran, East Champaran.
3. The Sub-Divisional Officer Sikrahana at Dhaka.
4. The District Supply Officer, East Champaran at Motihari.
5. The Assistant Supply Officer, Sikrahana at Dhaka. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-11-2022

Heard learned counsel for the petitioner and the

State.

The father of the petitioner was a licensee under
the Control Order, 2001. Way back in the year 2015, for
irregularities having been discerned in his functioning as
a PDS dealer, his license was cancelled. The afore-noted
cancellation order was affirmed by the Appellate
Authority. The father of the petitioner thereafter
approached this Court vide CWJC No. 14874 of 2015,



when a Bench of this Court having found that the appellate order did not disclose any application of independent mind, set aside the cancellation as well as the appellate orders and remitted the matter to the Appellate Authority to consider the case of the father of the petitioner afresh and pass a reasoned order in accordance with law. In the interregnum, a new Control Order, 2016 came into existence [refer to Bihar Targeted Public Distribution System (Control) Order, 2016.] This was promulgated on 14th of March 2016. The licencees of the earlier Control Order were required to get their licence converted under the provisions of the Control Order, 2016 within six months from the date of its commencement, after paying the requisite licence fee through treasury challan [refer to Clause 13 of the Control Order, 2016.] Because of the cancellation of the licence of the father of the petitioner before the promulgation of Control Order, 2016, the licence could not be renewed. Perhaps for the reason of seeking



benefit of continuity of licence, the present petitioner chose to pursue the matter before the Collector pursuant to the remand by this Court.

Apart from discussing the merits of case of the licensee, the appellate authority, on this occasion, also found that the petitioner did not have a locus to pursue this case on behalf of his Late father.

The afore-noted reasoning may not be correct as cancellation of licence involves stigma and an heir has definitely a right to have it obliterated for sentimental or practical reasons, but we find that with the passage of time and the circumstances enumerated above, this litigation by the petitioner would be futile as the result of it, positive or negative, would never enure to the benefit of the petitioner. Neither can the petitioner claim continuity of the licence for it to be renewed under the new Control Order, 2016 or could he stake his claims for compassionate grant of licence under the new Control Order, 2016. The question then is the justification of



allowing a proceeding of this kind to be continued at any forum, if in the end result, it gives no benefit to anybody.

We, therefore, declare that this effort of the petitioner would lead to no benefit to him, whatever be the result of such litigation, and restrain ourselves from passing any order in the present writ petition.

It would only be advisable for the petitioner to apply for licence afresh, in case it is advertised, when he will have to stake his claim on his own qualification and capabilities. That the father of the petitioner was a licensee, which licence was cancelled would neither be read in favour or against the petitioner.

The petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

HR/-Mahesh

AFR/NAFR	NAFR
CAV DATE	N /A
Uploading Date	23.11.2022
Transmission Date	N/A

