

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2953 of 2023

Pradeep Kumar S/o Rajkishor Prasad, Resident of Ward No. 08, Village - Saraiya Khurd, P.O. - Makhua, P.S.- Turkaulia, District - East Champaran. At present Village- Matyariya, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Civil Supply Deptt. Patna (Bihar).
2. The District Magistrate, District - East Champaran (Motihari).
3. The District Food and Civil Supply Officer, District - East Champaran (Motihari).
4. The Circle Officer (Food and Civil Supply Department), District - East Champaran.
5. The Marketing Officer, District - East Champaran (Motihari).
6. The Block Officer (Food and Civil Supply Department), Harsidhi Block, District - East Champaran.
7. The Sub-Divisional Officer (Food and Civil Supply Department) Sub-division-Areraj, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 21-04-2023 The petitioner, by way of this writ petition, has prays
as under :-

“(i) For directing to Respondent No. 2 (District Magistrate, East Champaran) to set up inquiry to find out who has been done fraudulent work to make a false death certificate of Late Raj Kishore Prasad (father of the petitioner) by which Mamta Devi, W/o Raman Kumar got P.D.S. dealership on the compassionate ground of Late Raj Kishore Prasad. On the ground of that death certificate, the date of birth of late Raj Kishore Prasad is 51 years old but when Late Raj Kishore Prasad died on 17.07.2020, he was 62 years old.

But deliberately with the help of the



Block Development Officer (Respondent No.5) and Sub-Divisional Officer (Respondent No.6) one Raman Kumar prepared false death certificate in which at the time of death of Late Raj Kishore Prasad, he (Late Raj Kishore Prasad) was only 51 years old, on that basis Mamta Devi, W/o Raman Kumar got P.D.S. License bearing P.D.S. License Registration No. 56/2016 on compassionate ground.

Thus directing to the Respondent NO.2 (District Magistrate/Collector, East Champaran) to dispose off the representation dated 09.02.2022 of the petitioner.

(ii) For an appropriate order/orders for which the petitioner is entitled under the law, fact and circumstances of this case.”

2. Apparently, the issue in the present writ petition is regarding the age of late Raj Kishore Prasad (father of the petitioner).

3. The claim of the petitioner is that his younger brother has obtained license of PDS shop giving age of his late father as below 52 years whereas the petitioner alleges that his father was more than 52 years.

4. These are disputed questions of fact for which the petitioner has to file a civil suit where he has to prove his case.

5. As such, the writ petition would not lie and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.11

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