

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2150 of 2015

In
Civil Writ Jurisdiction Case No.16251 of 2013

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Sanjay Kumar Son of late Arjun Paswan Resident Of Village - Berhna, Under
Gram Panchayat Raj Mirjapur West Berhna, Post Office - Berhna, Parkhand -
Barh, Police Station - Barh, Subdivision - Barh, District – Patna

... .. Appellant/s

Versus

1. The State Of Bihar through the Additional District Magistrate, Supply
Branch, Patna Collectorate Building, Patna.
2. The Sub-Divisional Officer, Barh, District - Patna
3. The Parkhand, Supply Officer, Parkhand Barh, District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	None
For the Respondent/s	:	None

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-04-2023

Matter is of the year 2015.

None appears for the respective parties.

In the instant appeal, appellant has assailed the order
of the learned Single Judge dated 22.09.2015 passed in C.W.J.C.
No. 16251 of 2013.

Grievance of the appellant – Sanjay Kumar is that his



late father Arjun Paswan was a holder of P.D.S. license under Bihar Trade Articles (Licenses Unification) Order, 1984 and it was renamed as 2007 P.D.S. (Control) Order, 2007. The petitioner's father late Arjun Paswan died on 26.01.2012. His license was renewed from 20.10.2011 up to 30.06.2016 and he died on 26.01.2012. Earlier, in terms of Clause 2.5 of the 2007 Control Order, legal heirs were entitled for grant of license. Such Clause 2.5 was amended on 23.06.2011, i.e., much before renewal of petitioner's father license on 20.10.2011 to the extent that if the license holder was more than 55 years of age at the time of his death, in that event, legal heirs of the license holder are not entitled to have the benefit of license in their name. Learned Single Judge has taken note of material information. It is necessary to reproduce portion order of the learned Single Judge which reads as under:-

“The plea of the petitioner is fit to be rejected on two grounds: Firstly, the amendment barring grant of P.D.S. license on compassionate ground in case of demise of a licensee above 55 years of age, was incorporated on 23.06.2011, much prior to renewal of P.D.S. license of petitioner's father on 20.10.2011. Secondly; the father of the petitioner died on 26.01.2012 and as such 2011 amendment, which came into effect on 23.06.2011, would be applicable in any view of the matter.

I thus find no merit in this application and it is, accordingly, dismissed.”



In the light of the findings given by the learned Single Judge, no interference is called for insofar as order of the learned Single Judge dated dated 22.09.2015 passed in C.W.J.C. No. 16251 of 2013 is concerned.

Accordingly, present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
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