

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15074 of 2022

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Meera Devi, Wife of Dhananjay Prasad, Resident of Ward No. 16, Sabji
Mandi, Bhabhua, P.S.- Bhabhua, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
3. The Sub Divisional Officer, Bhabhua, District- Kaimur.
4. The District Supply Officer, Bhabhua, Kaimur.
5. The Block Supply Officer, Adhaura, District- Kaimur.
6. Rupa Kumari daughter of Indradeo Singh Chero Resident of Jamuninar,
P.O.- Kolhua, P.S.- Adhaura, District- Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Bandana Singh, Advocate

For the State : Mr. Anisur Haque, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 24-03-2023

The petitioner, by way of this writ petition, assails the order dated 17.08.2022, passed by the Secretary, Food and Consumer Protection Department, Govt. of Bihar, deciding the representation directed to be so decided by the Division Bench of this Court in its order dated 08.03.2022 passed in CWJC No. 14883 of 2021. The Secretary, Food and Consumer Protection Department, Govt. of Bihar has reached to a finding that the



petitioner's father-in-law already possesses a PDS license shop in his name and in view of the definition of the 'family' as provided under the provisions of Bihar Targeted Public Distribution System Control Order, 2016 (hereinafter referred to as 'the Order of 2016'), the petitioner who is the daughter-in-law would not be entitled to be awarded a PDS license separately.

Learned counsel for the petitioner contends that the petitioner along with her husband has already separated from her father-in-law and are having a separate identity and separate unit. In view thereof, they cannot be considered part of the family of their father-in-law.

Such a contention is found to be without any basis. The petitioner and her husband have in terms of the Succession Act acquired properties of her father-in-law and his ancestors. In view thereof, merely living separately would not be sufficient to treat them as separate. The definition of family, as provided under the Order of 2016 includes father-in-law also and the said definition clause is not under challenge before this Court. The order passed by the Secretary, Food and Consumer Protection Department, Govt. of Bihar, is found to be legal and in accordance with the provisions of the standing order.



In view thereof, the present writ petition is devoid of merits and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

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CAV DATE	
Uploading Date	
Transmission Date	

