

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4869 of 2024

Sanjiv Kumar Yadav Son of Late- Siyaram Ray, Resident of Village- Basanta,
Jehanabad, Vaishali, P.S.- Ghataro, District- Vaishali, Bihar- 844122.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Circle- Tirhut, Muzaffarpur.
3. The Additional District Magistrate, Vaishali at Hajipur.
4. The Collector cum District Magistrate, Vaishali at Hajipur.
5. The Sub Divisional Officer, Hajipur.
6. The Block Supply Officer, Lalganj, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Arvind Kr, Adv. Mr. Kumar Rajdeep, Adv. Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Government Pleader 18
For the State	:	Mr. Raj Kishore Roy, GP18

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 01-08-2024 The present writ petition is filed by the son of a PDS dealer whose license bearing No. 37/2016 has been cancelled by the authority concerned on 11.09.2019.

2. Learned counsel for the petitioner has stated that the mother of the petitioner filed an appeal before the statutory authority. That during the pendency of the appeal, the father of the petitioner had died on 09.02.2022. That the appeal filed was dismissed on the sole ground that the appellant had died and though the petitioner has filed a revision before the



Commissioner, the grounds raised by the petitioner were not taken into consideration by the Revisional Authority and the revision was dismissed. Learned counsel has stated that as per the provisions of the Act more particularly Rule 10 of the Essential Commodities Act, the petitioner is entitled for transferring the license held by his father in his favour, but due to the cancellation of the license no orders could be passed in his application. Learned counsel has stated that in case the impugned orders passed by the Revisional authority and that of the Appellate Authority are set aside and the matter remanded back to the Appellate authority for deciding the appeal on merits instead of dismissing the same on technicalities, there are every chances that the petitioner will succeed. That his application filed under Rule 10 of the Essential Commodities Act is still pending consideration. Learned counsel has therefore prayed this Hon'ble Court to permit the petitioner to substitute himself as a legal representative of the father in the appeal.

3. Having regard to the above mentioned facts and circumstances and also having regard to the fact that the appeal has been dismissed by the appellate authority only on the sole ground that the appellant had died during the pendency of the appeal pending before the said Authority. The present writ



petition is disposed of granting liberty to the petitioner to file a substitution petition before the Appellate Authority. The order dated 30.11.2023 passed by the Commissioner and the order dated 14.11.2022 passed by the Appellate Authority are set aside. The matter is remanded back to the Appellate Authority for passing the orders afresh on merits. The entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of the copy of this order. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party.

4. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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