

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5564 of 2019

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Rajendra Prasad Yadav@ Rajendra Yadav Son of late Thag Yadav Resident of
Village- Banarahi, P.S. Srinagar(Pujahan), District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, Food and Civil Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
3. The District Magistrate, Bettiah.
4. The Sub Divisional Officer, Bettiah.
5. The Block Supply Officer, Bairiya, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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

- 2 30-01-2024 Interlocutory Application No. 01 of 2019 is allowed.
2. Registry is directed to make necessary changes.
3. Learned counsel for the petitioner has stated that the impugned order passed by Respondent-authority is liable to be set aside on the ground that the same is in violations of provisions of Rule 27(ii) of the Control Order 2016. Learned counsel has stated that the Full Bench of this Court in ***CWJC No.21202 of 2021*** and analogous cases dated 26.09.2023 has held as under:-

“19. Accordingly, we answer
the reference as under:-



It is mandatory for a licensing authority issuing a notice under order 27(ii) to a license to mention that there is a proposal for cancellation of his license, failing which such notice cannot be treated to be a valid notice of giving sufficient opportunity to the licensee to state his case under order 27(ii) of the BTPDS Control Order. ”

3. Counsel for the petitioner therefore, prayed to this Hon'ble Court to set aside the impugned order and remand the matter back to the authority for considering the same in accordance with law.

4. However, learned counsel appearing for respondents has stated that the present writ petition has become infructuous as the petitioner has died and therefore, no useful purpose would be achieved if the matter is remanded back to the authorities concerned for passing orders afresh as the original PDS licensee has already expired. Learned counsel has stated that even if son of the deceased is substituted in the present case, the matter cannot be remanded back to the authorities concerned as the original licensee has expired and the son of the petitioner cannot have any *locus standi* to participate in the said proceeding. Counsel has stated that the license will automatically expire on the demise of the licensee. That in case the son of the petitioner is so advised, he can approach the



authorities for appointing him as a PDS dealer on compassionate grounds and the said application shall be decided on its own merit without reference to the cancellation order dated 11.11.2017.

5. Having regard to the above made submission, the present writ petition is disposed of directing the substituted petitioner herein to approach the authorities concerned by making an appropriate application for appointing him as PDS licensee on compassionate grounds within a period of four weeks from today. On such application being made, the authorities concerned shall consider the same without reference to the order of cancellation dated 11.11.2017. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the receipt of the application from the substituted petitioner.

6. With the above direction, the writ petition stands disposed of.

(A. Abhishek Reddy , J)

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