

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13155 of 2025

=====

Jawahar Lal Sah Late Moti Lal Sah Resident of Mohalla- Moti Road,
Shastrinagar, Gulabbagh, Police Station-Purnea Sadar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Trust Agriculture Department, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The Additional Collector (Supply), District-Purnea.
4. The Sub Divisinal Officer, Sadar Sub-Division, Purnea, Cum-Special Officer, Agriculture Produced Bazar Samiti (Superseded), Gulabbagh, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr. Anirban Kundu, Standing Counsel (24)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2025 1. Heard the parties.

2. Petitioner is the son of allegedly original allottee of shop no. 4 in the campus of Agriculture Production Bazar Samiti, Gulabbagh, Purnea. The petitioner is seeking allotment of the shop in question after the death of his father.

3. Learned counsel for the petitioner submits that the father of the petitioner was allotted the shop in question in the year 1976 having license no. 485 / 1977 which was cancelled on 05.02.1980 by the order of Additional District Magistrate, (Supply) Purnea. A case under Section 7 of the Essential Commodities Act was instituted against the petitioner's father



bearing Sadar P.S. Case No. 06/10 of 1979 in which the petitioner's father was finally acquitted by judgment dated 26.08.2005. The petitioner's father has died on 10.09.2022. According to the petitioner he is entitled to be allotted the shop in question or any other shop after the death of his father.

4. Learned counsel for the respondent-State submits that from perusal of the allotment letter at Annexure – P/ 1 it appears that the shop was allotted in favour of one Sita Ram whereas name of the father of petitioner is Moti Lal Sah. Even for the sake of argument it is accepted that the shop in question was being run under a license issued to the father of the petitioner in his individual capacity such license is neither transferrable nor inheritable unless specifically permitted under the provisions of Bihar Trade Articles (Licences Unification) Order 1984 or any other order / circular / law. The District Magistrate, Purnea cannot be faulted for not recognizing any such claim of inheritance when the same was neither legally tenable nor supported by any valid application or compliance.

5. I have heard learned counsel for the parties and have gone through the material on record. Admittedly, the petitioner is claiming right of allotment of shop in the campus of Agriculture Production Bazar Samiti, Gulabbagh, Purnea on the basis that



his father was allottee of the shop in the premises. I agree with the submissions of learned counsel for the State that allotment in favour of petitioner’s father was not inheritable. The petitioner has not produced any law and / or any circular to show that allotment in the name of his father is transferable and / or inheritable in favour of the son. Accordingly, I do not find any merit in this writ application and the same is rejected.

6. However, in future, if Agriculture Production Bazar Samiti, Gulabbagh, Purnea decides to allot any shop in the premises and the petitioner fulfills the criteria for allotment in his individual capacity, he is free to make application which will be considered as per the advertisement in accordance with law.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

