

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9845 of 2019

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Parvati Devi Wife of Dinesh Prasad Yadav R/o Village and Post-Chakki
Mayurva, P.S. Sonbarsa, District Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar
2. The Collector cum District Magistrate Sitamarhi
3. The Sub Divisional Officer Sadar, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-06-2026

1. The petitioner has filed the instant application for the following relief(s):

“(i) For a direction upon the Respondents to restore the license in the name of the petitioner which was granted under Bihar Trade Article (License Unification) Order, 1984 in the name of Father-in-law of the petitioner in the year 1989 having license no. 26/89 on compassionate ground as father-in-law of the petitioner died on 27.01.2001 and the petitioner is only claimant of the license in her family.

(ii) To issue direction upon Respondent no. 1 to 3 for restoration of license in



the name of the petitioner.

(iii) To issue other proper Writ/order/direction/orders to the ends of justice."

2. At the outset, the Learned counsel appearing on behalf of the State has drawn the attention of this Court to paragraph 5(iv) of the counter affidavit and submitted that the Writ petition deserves to be dismissed on the ground of inordinate delay and laches. Paragraph 5(iv) of the counter affidavit reads as follows:

"5(iv) That the petitioner filed a petition before the licensing authority for issuance of PDS License on compassionate ground on 01.08.2018, approximate, 18 years after the death of the PDS License which was found not in accordance with law as per provision of Section 10 of Bihar Targeted Public Distribution System (Control) Order 2016, i.e., the application compassionate ground shall be entertained, if submitted within two years



from the death of the licensee by his dependent."

3. In response, Learned counsel for the petitioner submitted that a similarly situated PDS dealer, whose licence had been cancelled by the same order, had challenged the order of cancellation by filing CWJC No. 7579 of 1999. The said Writ petition was allowed, as would appear from Annexure-2, whereby the order of cancellation was quashed. It has further been submitted that, pursuant thereto, the licences of several similarly situated dealers were restored. However, owing to the death of the petitioner's father-in-law on 27.01.2001, the licence standing in his name was not restored.

4. The Learned counsel for the petitioner further submitted that other similarly situated PDS dealers had also challenged the cancellation of their dealerships by filing CWJC No. 7736 of 2010 and other analogous cases. By order dated 14.10.2011, this Court was pleased to condone the delay and allow the said Writ petitions, whereby



the cancellation order dated 28.05.1999 was quashed, as would appear from Annexure-5.

5. Having considered the aforesaid submissions, this Court finds that neither the petitioner nor her father-in-law was a party to the proceedings culminating in the orders contained in Annexure-2 and Annexure-5. The benefits flowing from the said judgments were granted to the respective petitioners therein, who had approached this Court seeking redressal of their grievances.

6. Upon consideration of the facts and circumstances of the case and the materials available on record, this Court finds no reason to grant the reliefs sought by the petitioner. Admittedly, the petitioner's father-in-law died on 27.01.2001, whereas the petitioner approached the Licensing Authority for grant/restoration of a PDS licence on compassionate grounds only on 01.08.2018, i.e., after a lapse of about eighteen years.

7. The provisions contained in the Bihar



Targeted Public Distribution System (Control) Order, 2016 specifically provide that an application seeking compassionate consideration is required to be submitted within two years from the date of death of the licence holder by his dependent. The petitioner's application was, therefore, clearly beyond the period prescribed under the relevant statutory provisions.

8. This Court also finds substance in the objection raised on behalf of the State that the petitioner has slept over her rights for an inordinately long period. The law relating to compassionate appointment or compassionate grant of licence is well settled that such claims are required to be raised within a reasonable time and are intended to provide immediate succour to the family upon the death of the licence holder. A claim raised after nearly eighteen years defeats the very object underlying such a provision.

9. Moreover, it is pertinent to note that since the cancellation order dated 28.05.1999, the statutory framework governing the grant and



regulation of PDS licences has undergone substantial changes. In such circumstances, entertaining the present Writ petition at this belated stage would serve no useful purpose and may also result in administrative complications.

10. In view of the discussions made hereinabove, this Court finds no merit in the present Writ petition.

11. Accordingly, the Writ petition stands dismissed.

12. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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