

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14050 of 2013

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Jagarnath Prasad Gupta, son of Late Laxmi Prasad, resident of Midhansarai
Ward No.-2, P.S.- Ahiyasarai, Panchayat- Dadar Kolhua, District-
Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Muzaffarpur
3. Sub-Divisional Officer-Cum-Licensing Authority, West Muzaffarpur
4. District Supply Officer, Muzaffarpur
5. Block Supply Officer, Kanti, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
	:	Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, SC-18
	:	Mr. Harun Quarashi, AC to SC-18

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

5 27-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner's P.D.S. license was initially
suspended on 15.06.2011 and thereafter it was cancelled on
12.12.2011.

The petitioner submits that suspension of license and
cancellation are two exclusive punishments and the same cannot
be awarded one after the other. In support of his submission, the
petitioner has relied upon a decision in case of Shiv Chandra Jha
Vs. Harideo Jha, reported in 2013 (3) PLJR 956.

On the other hand, counsel for the State submits that
the petitioner has committed a number of irregularities. He used to

make short supply of materials and charged higher rates.

In case, if a licensee violates the conditions of license, it is open for the authorities to award appropriate punishment. However, I agree with the submission of the learned counsel for the petitioner that a licensee cannot be awarded punishment of suspension as well as punishment of cancellation of license.

In the result, the writ application succeeds, the impugned order canceling the license, which was also affirmed in appeal are set aside. It will be open for the authorities to proceed afresh in accordance with law.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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