

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13054 of 2013

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Dudh Nath Prasad, Son of Late Banarashi Prasad, Resident of Dunduma, P.S.-
Daudpur, District- Saran at Chhapra.

.... Petitioner.

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Chhapra
3. The Collector, Saran at Chhapra
4. The Sub-Divisional Officer, Sadar, Chhapra
5. The Block Supply Officer, Manjhi, Chhapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. DHANANJAYA NATH TIWARI

For the Respondent/s : Mr. RAKESH KR SAMRENDRA

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

ORAL JUDGMENT

Date: 28-08-2015

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner, who is a licensee under P.D.S. Scheme
within Manjhi Block in the district of Saran, seeks quashing of the
order dated 12.06.2012 passed by the Commissioner, Saran Division,
Chhapra, order dated 09.08.2008 passed by the Collector, Saran and
order dated 08.01.2008, passed by the Sub-Divisional Officer, Chapra.

3. The petitioner submits that for the alleged allegation, he
has been given two punishments, one of suspension of license and the
other cancellation of license, which is not sustainable in the law. In
support of his submissions, he has referred to a decision in case of
Shiv Chandra Jha Vs. Harideo Jha & Ors., reported in 2013 (3) PLJR

956.

4. The submission of the petitioner has substance. The 2007 Control Orders has not contemplated award of two punishments for the same offence. So much so that suspension and cancellation are distinct and independent punishment.

5. In the result, the writ application succeeds. All the three impugned orders are set aside.

(Samarendra Pratap Singh, J.)

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