

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1965 of 2014

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Yamuna Mandal Son Of Late Ram Swaroop Prasad Resident Of Mohalla -
Maranpur, Police Station - Civil Lines, District - Gaya.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Department Of
Food And Consumer Protection, Govt. Of Bihar At Patna
 2. The District Magistrate, Gaya
 3. The Sub Divisional Officer, Sadar Gaya District Gaya
 4. The Marketing Officer, Town Block, Gaya Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Nirbhay K.Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 05-10-2015

The petitioner prays for setting aside order dated
8.8.2012, passed by the District Magistrate, Gaya by which he
has affirmed order dated 19.4.2010, passed by SDO, Sadar,
Gaya whereby he has cancelled his PDS licence no. 4/99 after
suspending the same.

The petitioner submits that the respondents have
awarded both punishment of suspension and cancellation of
license, which is not permissible in law in view of decision in
case of Shiv Chandra Jha Vs. Harideo Jha, reported in 2013(3)
PLJR 956.

As a result, the writ petition succeeds and the impugned
orders are set aside with liberty to respondents to proceed afresh
in accordance with law.

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(Samarendra Pratap Singh, J)