

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15756 of 2013

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1. Shankar Manjhi Son Of Fulchand Manjhi Resident Of Village - Hariharpur, Police Station - Bodh Gaya, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Department Of Food And Civil Supply, Government Of Bihar At Patna
2. The Collector - Cum - Chairman, District Selection Committee, Gaya
3. The Sub - Divisional Officer - Cum - Licensing Authority, Sadar Gaya
4. The District Supply Officer, Gaya
5. The Block Supply Officer, Tankuppa, District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the State : Mr. Amit Kr. Anand, AC to G.P-15

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CORAM:

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 20-08-2015 Petitioner is a holder of Licence No. 38 of 2007 under Public Distribution System within Tancuppa Block in the district-Gaya.

He submits that he has been inflicted both punishment of suspension as well as cancellation of licence for the same allegation.

This Court in similar matter in case of **Shivchandra Jha Vs. Kapileshwar Jha** reported in **2013 PLJR 956** observed that both suspension and cancellation are separate punishment and the Licensing Authority can pass order either to suspend the license or to cancel the license, but cannot pass both the orders.

In this view of the matter, this writ application succeeds. The impugned order cancelling the licence is set aside.

It would be open for the licensing authority to proceed afresh in the matter after affording an opportunity of hearing to the petitioner.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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