

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15440 of 2013

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Dhaneshwar Singh, S/o Late Late Dukhan Yadav, resident of Village-
Dharhara, P.S.- Kako, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, Jehanabad
3. The Sub Divisional Officer, Jehanabad
4. The District Supply Officer, Jehanabad
5. The Block Supply Officer, Kako Block, District - Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Respondent/s : Mr. Manoj Priaydarshi

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

4 27-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner's P.D.S. license was earlier suspended and thereafter it was cancelled on 03.07.2007 by the Sub Divisional Officer, Jehanabad. An appeal preferred against the order of cancellation was also dismissed by the District Magistrate, Jehanabad on 21.12.2011.

The petitioner submits that the licensing authority cannot be awarded both punishments of suspension of license as well as cancellation of license. 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.

In the counter affidavit, the State has alleged a

number of illegalities committed by the petitioner.

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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