

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1784 of 2015

IN

Civil Writ Jurisdiction Case No. 4275 of 2012

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Panna Lal Ram, Son of Bideshi Ram, by resident of village- Bela, Police Station-
Hathouri, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Officer, Rosera Samastipur
4. The Block Supply Officer, Shivajee Nagar, Block Rosera, Samastipur.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 14-10-2015

For the reasons indicated in the restoration
application C.W.J.C. No. 4275 of 2012 is restored to its original file
and number and taken up for admission.

2. Restoration application is accordingly, disposed
of.

3. It appears, in the writ petition petitioner, who is
a P.D.S. licensee, has filed this writ petition assailing the order
bearing Memo No. 231 dated 23.02.2010, Annnexure-4 whereunder
his P.D.S. licence No. 181/07 has been cancelled with immediate
effect.

4. It is submitted on behalf of the petitioner that

the order cancelling the P.D.S. licence of the petitioner is not only bad in facts but also in law, as thereunder petitioner has been punished twice for the same charge, which is impermissible, as has been held by this Court under order no. 2 dated 04.05.2010, passed in C.W.J.C. No. 1510 of 2009, Annexure-5.

5. Aforesaid order dated 23.02.2010, Annexure-4 is appealable. Accordingly, this writ petition is disposed of directing the petitioner to assail the order bearing Memo No. 231 dated 23.02.2010 by filing appeal. The appellate authority shall not only condone the delay in filing the appeal but also proceed to consider the same on merits in the light of the submission raised in the memo of appeal as also the contents of the order of the High Court dated 04.05.2010, Annexure-5, which should also be annexed with the memo of appeal. The appeal shall be disposed of as early as possible, in any case, within a period of three months from the date of its receipt in the office of the appellate authority i.e. Collector of the district.

(V.N. Sinha, J)

Rajesh/-

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