

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14637 of 2013

=====

1. Md. Aalim Son Of Md. Nabbu Miyan Resident Of Village - Rampur
 Mohinach, Panchayat - Pirapur, Police Station - Bandra, District -
 Muzaffarpur

.... 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 Commissioner, Tirhut Division, Muzaffarpur
 3. The Collector Cum Chairman District Selection Committee, Muzaffarpur
 4. The Sub - Divisional Officer Cum Licensing Authority, West
 Muzaffarpur
 5. The District Supply Officer, Muzaffarpur
 6. The Block Supply Officer, Kurhni, District - Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Respondent/s : Mr. Jaishankar Barnwal

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 10-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner holds a license for PDS shop. He submits that for the same allegation his licence was first suspended and thereafter cancelled which is not permissible under clause 7 of the Bihar Fair Price Shops Order, 2007.

The petitioner in support of his contention relies upon a decision in the case of Shiv Chandra Jha v. Harideo Jha, reported in 2013(3) PLJR 956.

I find substance in the submission of the petitioner. Clause 7 of the Bihar Fair Price Shops Order, 2007 prohibits from

inflicting both punishment of suspending license as well as its cancellation.

In the result, this writ application is allowed and the impugned order dated 30.12.2011 passed by the Sub Divisional Officer, East Muzaffarpur is set aside with liberty to the respondents to proceed afresh after issuing fresh notice to the petitioner.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--