

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19148 of 2012

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Champa Kumari, W/O Rajesh Kumar, R/O Village + P.S.- Nagarnousa,
Distt.- Nalanda

.... Petitioner.

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda
3. The Sub-Divisional Officer, Hilsa, Nalanda
4. The Commissioner, Patna Division, Patna, Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh

For the Respondent/s : Mr. Gautam Bose Aag8

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

3 07-08-2015

The petitioner is a P.D.S. Dealer within Hilsa Sub-division in the district of Nalanda bearing license no. 20 of 1996.

2. The petitioner prays for setting aside the order dated 20.12.2003 of the Sub-Divisional Officer, Hilsa by which he has cancelled the license of the petitioner, as well as the orders of the appellate and revisional authority affirming the cancellation order.

3. The petitioner submits that by the same order, the licensing authority while suspending the license on the ground that show-cause reply was not satisfactory has subsequently cancelled his license. Learned petitioner submits that suspension is also in form of punishment and as such two punishments cannot be inflicted as per the Control Order.

4. I find substance in the submission of the petitioner in view of Division Bench decision in case of Shiv Chandra Jha Vs. Harideo Jha & Ors, reported in 2013 (3) PLJR 956.

5. In this view of the matter, the impugned orders passed by the three authorities are set aside and the matter is remitted to the licensing authority to proceed afresh against the petitioner after giving a show-cause and copy of the enquiry report, if any.

6. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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