

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14187 of 2013

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1. Rajendra Ravidas Son Of Sri Chandradeo Ravidas R/O Of Village -
 Tirra, P.S. Hulasgannj, Block - Hulasganj, District - Jehanabad
 Petitioner

Versus

1. The State Of Bihar
 2. The Collector, Jehanabad
 3. The Sub - Divisional Officer, Jehanabad
 4. Te Block Supply Officer, Block - Hulasganj, District - Jehanabad

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
 Mr. Anujit Sinha, Advocate
 Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. Manoj Kumar, AC to GA 10

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

ORAL ORDER

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

The petitioner holds a license under Bihar Fair Price Shops Order, 2007 within Hulasganj in the district of Jehanabad. The petitioner seeks to challenge the order dated 12.3.2013 passed by the Collector, Jehanabad in Case No.71/D.M./2012 affirming the order dated 22.12.2010 passed by the S.D.O., Jehanabad cancelling the license of the petitioner.

The petitioner states that he had been inflicted two punishments. Initially, the licence of the petitioner was suspended and thereafter his licence has been cancelled. The petitioner submits that Bihar Fair Price Shops Order, 2007 does not conceive of both the punishments. It could be either suspension or

cancellation of the licence. The petitioner in this respect has rightly relied upon a Division Bench judgment of this Court in the case of Shiv Chandra Jha vs Harideo Jha, reported in 2013(3) PLJR 956.

I find that the Division Bench of this Court has conclusively settled the issues that PDS licensee under Bihar Fair Price Shops Order, 2007 cannot be saddled with both the punishments of suspension of license and thereafter its cancellation.

In the circumstances, the impugned orders order dated 12.3.2013 passed by the Collector, Jehanabad in Case No.71/D.M./2012 affirming the order dated 22.12.2010 passed by the S.D.O., Jehanabad are set aside with liberty to the respondents to proceed afresh in accordance with law.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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