

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5389 of 2014

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Raghunandan Prasad, Son of late Dauli yadav, resident of Village-
Mohammadpur, P.S.- Khudaganj, Block Islampur, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Nalanda.
2. The Collector, Nalanda.
3. The Sub Divisional Officer, Hilsa, Nalanda.
4. The Block Supply Officer, Islampur, Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Senior Advocate,

: Mr. D.N. Tiwari, Advocate.

For the State : Mr. Anisul Haque, AC to AAG-9

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

ORAL ORDER

2 26-11-2015

Heard counsel for the petitioner and the State.

The petitioner is a PDS Dealer bearing license no. 24
of 1984 within Islampur Block of Nalanda district.

He submits that his license was suspended on
11.10.2007 and cancelled on 04.02.2008. He preferred an appeal
bearing appeal no. 17 of 2008, which was dismissed on
06.11.2013. He submits that his license was cancelled also taking
into account that he was accused in a criminal case.

Counsel for the State submits that there is an
alternative remedy of revision.

On the other hand, the petitioner submits that
suspension of license and cancellation of license were two

distinct punishments under 2001 Control Order and he could not inflict both the punishments. In support of this submission, he has relied upon a decision in case of Sheo Chandra Jha Vs. Harideo Jha & Ors, reported in 2013 (3) PLJR 956.

I find substance in the submission of the petitioner that the authority cannot inflict both punishment of suspension and cancellation of license, as they are two distinct punishments.

In the result, the writ application is allowed and the impugned orders are set aside.

(Samarendra Pratap Singh, J.)

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