

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23694 of 2013

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Siya Lal Rai Son Of Late Chhotu Rai Resident Of Village - Harpur Baks,
P.S. Minapur, Distt. – Muzaffarpur Petitioner/s

Versus

1. The State Of Bihar, Through The Collector, Muzaffarpur
2. The Collector, Muzaffarpur
3. The Sub - Divisional Officer, East Muzaffarpur
4. The Block Supply Officer, Minapur, Muzaffarpur Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S.S. Shabbar Hussain

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 30-10-2015 The petitioner is a PDS dealer having Licence no. 56/85 within Muzaffarpur district. He states that his licence was suspended on 10.5.2007 and then cancelled on 10.3.2008.

While referring to a Division bench decision in case of Shiv Chandra Jha Vs. Harideo Jha, reported in 2013(3)PLJR 956, learned counsel submits that once a PDS dealer is saddled with punishment of suspension of licence he cannot be awarded punishment of cancellation of licence, for the same allegation.

I find substance in the submission of the petitioner. The writ petition is allowed and the impugned orders dated 10.3.2008 and appellate order dated 12.2.2013 are set aside.

Shashi.

(Samarendra Pratap Singh, J)

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