

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10587 of 2014

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1. Kshatri Yadav S/o Ravi Yadav Resident of Village Kabir Chak, Police Station Sadar, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga, District Darbhanga.
4. The District Magistrate, Darbhanga, District Darbhanga.
5. The District Supply Officer, District Darbhanga.
6. The Sub Divisional Officer, Sadar Darbhanga, District Darbhanga.
7. The Block Supply Officer, Sadar Darbhanga, District Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar

For the Respondent/s : Mr. Sc27- Kinkar Kumar

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 06-10-2015 The petitioner holds licence for Public Distribution Shop bearing licence No.15 of 2007. He submits that his licence was first suspended on 4.8.2009 by the licensing authority and thereafter cancelled on 17.12.2009.

The petitioner submits that suspension and cancellation of the licence are exclusive punishment and both cannot be inflicted at the same time. In support of his submission, he has relied upon a decision in the case of Pradhuman Chaudhary & Ors Vs State of Bihar & Ors, reported in 2010(4) PLJR 78.

I find substance in the submission of the petitioner.

In the result, this writ application is allowed and the impugned orders dated 17.12.2009 passed by the Sub Divisional Officer, Sadar, Darbhanga, order dated 1.6.2012 passed by the Collector, Darbhanga in Appeal Case No.10 of 2010-11 as well as order dated 8.2.2014 passed by the Commissioner, Darbhanga Division, Darbhanga in P.D.S. Case No.41 of 2012-13 are quashed.

(Samarendra Pratap Singh, J)

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