

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1585 of 2015

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Devendra Prasad, S/o Sri Gobardhan Prasad, R/o Village- Patariya, Gram Panchayat at Sewnan Block- Jehanabad, District- Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply, Government of Bihar, Patna
2. The District Magistrate, Jehanabad
3. The Sub-Divisional Officer-cum-Licensing Authority, Jehanabad
4. The District Supply Officer, Jehanabad
5. The Block Supply Officer, Ratni Faridpur, Jehanabad
6. The Block Supply Officer, Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard parties.

The petitioner's PDS licence was suspended after issuance of a show cause notice dated 21.06.2007 and considering his reply dated 26.06.2007 vide order dated 2.07.2007, as contained in Annexure-3. However, by the same order, second show cause notice was also issued as to why his licence should not be cancelled and vide Annexure-5 dated 28.09.2007, his licence was eventually cancelled by the licensing authority-cum-Sub-Divisional Officer, Jehanabad.

The issue is no longer *res intera* having already been set at rest by a Division Bench of this Court rendered in *Shiv Chandra*



Jha Vs. Harideo Jha [2013 (3) PLJR 956] holding that once the authority has decided to suspend the licence by way of punishment, it cannot proceed to cancel the licence as no one can be punished twice for the same act of misconduct or offence.

Accordingly, this writ application stands allowed. The impugned order, as contained in Annexure-5, is quashed and set aside.

Since the mode of suspension has already been omitted by brining amendment in the year 2011 effective from 23.06.2011 and, in the earlier provision also, the period of suspension was maximum up to 90 days, in my view, the order of suspension also cannot continue further. Accordingly, the licensing authority is directed to restore the licence of the petitioner and resume the supplies forthwith.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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