

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9577 of 2014

Radhe Shyam Yadav, son of Late Ramphal Yadav, resident of village - Parsharma,
Panchayat - Finglass, P.S. Raghapur, Distt. - Supaul

.... Petitioner

Versus

1. The State of Bihar through the Collector, Supaul
2. The Sub Divisional Officer, Birpur, Supaul
3. The Block Supply Officer, Raghapur & Distt. - Supaul

.... Respondents

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. D. N. Tiwary, Advocate

For the Respondent/s : Mr. Pawan Kumar, AC to GA-1

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 17-11-2016

Heard parties.

The petitioner's licence has been cancelled vide order dated 13.04.2009 passed by the Sub-Divisional Officer-cum-Licensing Authority, Birpur, Supaul, as contained in Annexure-1.

It is contended on behalf of the petitioner that his licence was earlier suspended vide Annexure-4 dated 4.02.2009. However, on the same set of charges again a show cause notice was issued on 28.02.2009 and his licence was ultimately cancelled by the licensing authority vide Annexure-1.

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-1, 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 forthwith and resume the supplies.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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