

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6198 of 2015

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Shiv Nath Chaudhary, S/o Late Nagina Chaudhary, village - Hem Bardaha, P.S.
Kuchaikote, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar it's Secretary, Dept. of Food and Civil Supply, Government of Bihar, Patna
2. The Collector, Gopalganj
3. The Sub Divisional Officer, Gopalganj
4. The Block Supply officer, Kuchaikote, District - Gopalganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Respondent/s : Mr. Sudhir Kumar Singh, AC to SC-23

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-12-2016

Heard parties.

The petitioner is aggrieved by Annexure-3 which is an order dated 10.10.2009 passed by the Sub-Divisional Officer-cum-Licensing Authority, Gopalganj by which his PDS licence no. 123/07 has been cancelled. He also assails the appellate order dated 24.02.2015 passed in Supply Appeal No.08/14 by the Collector, Gopalganj (Annexure-4) by which is appeal has been dismissed and the order of the licensing authority has been upheld.

The sole ground taken on behalf of the petitioner at the time of hearing is that his licence was earlier suspended vide Annexure-D appended to the counter affidavit and, thereafter, by the same order, second show cause notice was issued upon the petitioner



and, thereafter, vide Annexure-3, his licence was cancelled.

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 orders, as contained in Annexures-3 and 4, are 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.
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