

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19432 of 2015

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Lakshman Singh, Son of Late Anirudh Singh, Resident of village - Dolaicha, P.O.
Koath, P.S. Dawath, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas at Sasaram
3. The Sub Divisional officer, Bikramganj
4. The Assistant Supply Officer, Bikramganj, District - Rohtas
5. The Block Supply Inspector, Dawath, District - Rohtas

.... Respondents

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Appearance :

For the Petitioner : Mr. Brajesh Prasad Gupta,
Mr. Raj Nandan Prasad, Advocates
For the State : Mr. Dev Kumar Pandey, A.C. to G.P.2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-11-2016

Heard parties.

Petitioner is aggrieved by the order dated 05.02.2010 (Annexure 3) passed by the Sub-Divisional Officer-cum-Licensing Authority, Bikramganj by which his PDS licence no.39/07 has been cancelled. He also assails the order dated 16.11.2013 (Annexure 4) by which his appeal has been dismissed by the Collector, Rohtas (Sasaram) and the order passed by the Licensing Authority has been upheld.



Learned counsel raises two grounds for consideration. First is that once a punishment of suspension is imposed, for the self-same irregularity, another punishment of cancellation would be without jurisdiction. Second ground is that even the show cause notice which was issued along with suspension order does not indicate that he was required to file reply to the show cause notice in a proceeding for cancellation of licence and, as such, the notice was vague.

I find force in the submissions made on behalf of the petitioner. Admittedly, the petitioner's licence was suspended vide Annexure 3 and by the same order, he was directed to file his explanation. It is not stated as to why he was required to file another explanation and, as such, notice is vague. So far subsequent order of cancellation of licence is concerned, that is in the teeth of law declared by a Division Bench of this Court in *Shiv Chandra Jha Vs. Harideo Jha* [2013 (3) PLJR 956] holding that once the authority chose suspension as a mode 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 succeeds. The impugned order as contained in Annexure 3 and 4 are quashed and set aside. Since the order of suspension has already outlived its life, the petitioner's licence stands revived, he would be entitled for



immediate resumption of supplies.

Accordingly, this writ application stands allowed.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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