

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15695 of 2015

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Gajadhar Prasad S/o Late Parmeshwar Prasad Resident of Village Oriyara, P.S.
Dhanarua, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The Collector, Patna.
3. The Sub Divisional Officer, Masaurhi.
4. The Block Supply Officer, Dhanarua Block, District Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. GP23- ANIL KUMAR

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 01-09-2016

Heard parties.

The petitioner's PDS licence was suspended vide Annexure-4 dated 14.07.2005 and under the same order he was further directed to show cause as to why his licence should not be cancelled which was ultimately cancelled vide Annexure-2 dated 19.11.2008. His appeal was also dismissed vide Annexure-1 dated 14.01.2014.

Counter affidavit has been filed on behalf of the State, however, learned counsel has not been able to satisfy the Court as to under what circumstances, after suspension of licence, the licensing authority could have proceeded to cancel it on the same set of charges.

The issue is no longer *res intera* having already 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 which is also a mode of punishment, it could not have proceeded to cancel the licence as no one can be vexed twice for the same act of misconduct or offence.

Accordingly, this writ application stands allowed. The impugned orders dated 19.11.2008 (Annexure-2) and 14.01.2014 (Annexure-1) are quashed and set aside.

Since the licence was suspended in the year 2008 itself and under the earlier provision also the period of suspension was maximum for a period of 90 days, in my view, the order of suspension has also lost its efficacy and, as such, supplies to the petitioner should be restored immediately.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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