

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4368 of 2014

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Gulab Sah, Son of Late Fudeni Sah, Resident of Village - Manki Berai
Dashini, Block - Katara, P.S. - Hathauri, District – Muzaffarpur.

.... Petitioner.

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Muzaffarpur, District – Muzaffarpur.
3. The Sub Divisional Officer, East Muzaffarpur, District – Muzaffarpur.
4. The Block Supply Officer, Katara Block, District – Muzaffarpur.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Adv.

For the Respondents: Mr. Anil Kumar Singh, GP-26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-12-2016

Heard parties.

The petitioner's licence has been cancelled vide order dated 09.11.2009 passed by the Sub-Divisional Officer-cum-Licensing Authority, (East) Muzaffarpur, as contained in Annexure-2 and also the appellate order dated 26.04.2013 passed by the Collector, Muzaffarpur in PDS Case No. 07/2009, as contained in Annexure-3, by which he has rejected the appeal.

It is contended on behalf of the petitioner that his licence was suspended vide Annexure-1 dated 19.09.2009. However, on the same set of charges again a show cause notice was issued on 09.11.2009 and his licence was ultimately cancelled by the licensing



authority vide Annexure-2.

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-2 and 3, 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)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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