

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8579 of 2016

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Savita Devi @ Sabita Devi, Wife of Late Buddhan Yadav, Resident of
Village and Post- Bhelwa, P.S.- Katoria, District- Banka.... Petitioner.

Versus

1. The State of Bihar, through the Principal Secretary, Food and
Consumer Protection Department, Old Secretariat, Patna.
 2. The Collector, Banka, District- Banka.
 3. The Licensing Authority-cum-Sub-Divisional Officer, Banka,
District- Banka.
 4. The Commissioner, Bhagalpur Division, Bhagalpur. . Respondents.
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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Adv.

For the Respondents: Mr. SC9- Kinkar Kumar

: Mr. Zahittudin, AC to SC9.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-11-2016

Heard learned for the petitioner and the State.

Petitioner seeks quashing of order dated 07.03.2011,
as contained in Annexure-1, passed by the Licensing Authority-
cum-Sub-divisional Officer, Banka, by which he has cancelled
his licence no. 12/93, and the appellate order dated 18.10.2013,
as contained in Annexure-2, passed by the District Magistrate,
Banka as also the revisional order dated 11.01.2016 passed by
the Commissioner, Bhagalpur Division, Bhagalpur, by which
they have affirmed the order passed by the Licensing Authority
dismissing the respective appeal and the revision.

The issue involved is no longer *res integra* as the same
stand has been considered and decided by a Division Bench of



this Court in the case of **Shiv Chandra Jha vs. Harideo Jha** [2013(3) PLJR 956] holding that once the mode of punishment of suspension is chosen by the Licensing Authority it would not be competent to proceed further and cancel the licence on the self same charges, as the person cannot be punished twice for committing same irregularities. It is apparent from Annexure-1 that petitioner's licence was suspended on 17.12.2010 and second show cause notice was issued and, thereafter, finding the second show cause notice dissatisfactory, the licence has been cancelled.

In my view, the said order would be without jurisdiction in view of the aforesaid decision of the Division Bench of this Court, accordingly, the impugned orders, as contained in Annexure-1, 2 and 3 are set aside.

The order of suspension, having been passed on 17.12.2010, has also outlived its life and, as such, the petitioner's licence would stand revived forthwith and he would be entitled for immediate resumption of supply.

Accordingly, this writ petition stands allowed.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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