

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1656 of 2014

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Ram Charan Manjhi S/O Jawahar Manjhi Resident Of Village- Koeli, Police
Station- Makhdumpur, District- Jehanabad.

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate- Cum- Collector, Jehanabad.
3. The Sub- Divisional Officer, Jehanabad.
4. The Block Supply Officer, Makhdumpur, Jehanabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar, Advocate
For the State : Mr. Kamlesh Kishore, AC to GP 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 29-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner was served with a notice dated 12.3.2010,
contained in Annexure 3, stated that in view of the charges /
allegations made therein his licence bearing No. 15/2007 has been
suspended with immediate effect and at the same time he was directed
to show cause as to why the same should not be cancelled. Thereafter,
the petitioner filed reply and eventually vide Annexure 5 dated
1.6.2010 the Sub Divisional Officer –cum – licensing authority has
cancelled the licence of the petitioner.

Sole issue raised on behalf of the petitioner is that there is no contemplation of suspension of licence in a proceeding for cancellation of the same under the PDS Order, 2001, thus, the order is sought to be quashed.

The issue is no longer *res integra* as the same stands considered and decided by a Division Bench of this Court rendered in **2013(3) PLJR 956 [Shiv Chandra Jha Vs. Harideo Jha]** holding that suspension, as it was there till the amendment of the PDS Control Order, 2001 brought and made effective from 23rd June, 2011, is a mode of punishment along with another punishment by way of cancellation, therefore, if the authorities concerned chose one punishment by suspending the licence, the other punishment of cancellation on the self same charges would be without jurisdiction.

Accordingly, this writ application succeeds. The order impugned as contained in Annexure 5 is quashed and set aside.

Since the tenure for suspension under the earlier provision was only for 90 days save and except if it was being done in view of a police case having been registered under Section 7 of the Essential Commodities Act, which is not a fact in the present case, the same has already out lived its life and as such it has to be held further that the order of suspension also stood revoked automatically after expiry of 90 days from 12.3.2010. Thus, supplies to the

petitioner’s shop should be resumed immediately.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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