

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8844 of 2016

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Raj Kumar, Son of K.B. Sahay, Resident of Village- Darwaypatti, Post- Supha,
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.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate
For the State : Mr. M. N. Roy, A.C. to S.C. 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-01-2017

Heard parties.

Sole ground taken by the petitioner for assailing the order dated 09.03.2011 passed by the Licensing Authority-cum-Sub-Divisional Officer, Banka, as contained in Annexure 1, by which his licence no.08/93 has been cancelled, is that the order is in teeth of law declared by a Division Bench of this Court in **Shiv Chandra Jha Vs. Harideo Jha [2013 (3) PLJR 956]**.

It appears from the impugned order, as contained in Annexure 1, that licence of the petitioner was first suspended on 07.12.2010 and, thereafter, after issuance of second show cause notice, his licence has been cancelled.



In my view, the order would be without jurisdiction as the Division Bench has held in the aforesaid case that once a punishment of suspension is imposed upon the licensee then, on the self-same charges, second punishment of cancellation of licence would be bad and without jurisdiction.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 1, is quashed and set aside. Since the period of suspension could have been maximum of 90 days in the aforementioned facts and circumstances and the order of suspension has outlived its life, allotment to the petitioner should be resumed immediately.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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