

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9765 of 2015

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Mundrika Chaudhary, aged about 54 years, son of Sri Banwari Chaudhary, resident of village- Khajura, P.S. Nagarnausa, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Nalanda, Bihar.
2. The Collector-cum-District Magistrate, Nawada.
3. The Sub-Divisional Officer (S.D.O.), Hilsa (Supply Division), District- Nalanda.
4. The Block Development Officer (B.D.O.), Nagarnausa, District- Nalanda.
5. The Executive Magistrate-cum-Incharge Assistant District Supply Officer, Hilsa, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Advocate
For the Respondent/s : Mr. Wasi Ahmed Khan, AC to SC-25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-02-2017

Heard parties.

The sole issue raised in this writ application by the petitioner is that once the PDS licence of the petitioner was suspended vide Annexure-1 dated 8.10.2007 by the licensing authority, the same could not have been cancelled on the self same charges of charges vide Annexure-2 dated 16.01.2008.

It appears from Annexure-1 that on certain charges, licence of the petitioner was suspended and, further, he was directed to show cause along with the evidence and, thereafter, vide Annexure-2, licence of the petitioner has been cancelled.

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.

The appellant authority has also not considered this aspect in its order dated 24.06.2014 passed in Supply Case No.13 of 2008 (Annexure-7).

Accordingly, this writ application stands allowed. The impugned orders as contained in Annexure-1, 2 and 7 are 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 and resume supplies to him forthwith, specially when he has already been acquitted of the charges vide Annexure-3, as claimed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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