

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11977 of 2015**

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Ambika Ram son of Late Manki Ram, Resident of village- Semaria, Tola- Koiree  
Tola, Gram Panchayat Raj- Semaria, Block- Nautan, P.S.- Nautan, District- Siwan

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
3. The Collector, Siwan
4. The District Supply Officer, Siwan
5. The Sub-Divisional Officer, Sadar Sub-Division, District- Siwan
6. The Block Supply Officer, Nautan Block, District- Siwan

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5

For the Respondent/s : Mr. A.UJJWAL

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 14-08-2018**

Heard learned counsel for the petitioner as well as  
learned counsel for the respondents.

2. The present writ petition has been filed for  
quashing the order contained in memo no. 150 dated 09.05.2009,  
passed by learned Sub-Divisional Officer, Siwan Sadar, whereby  
and whereunder the license of the petitioner bearing licence no.  
49/95 has been cancelled.

3. Learned counsel for the petitioner submits that the



action of the respondents in suspending the petitioner's PDS licence by order dated 22.04.2008 and thereafter cancelling the same by the impugned order dated 09.05.2009 is wholly arbitrary and illegal inasmuch as the same amounts to double punishment. It is specifically pointed out that the cancellation order has been passed beyond the statutory period of 90 days during which suspension order was valid. As such, the petitioner had already suffered punishment of suspension and has over again been visited with the punishment of cancellation. Reliance is placed on a Division Bench judgment in *Shiv Chandra Jha vs. Harideo Jha and others*, 2013(3) PLJR 956.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds substance in the submission on behalf of the petitioner. Even though the contention based on double punishment has not specifically been raised in the pleadings, the same involves an issue of law and is fit to be considered at this stage. It is borne out from the writ petition itself that the



petitioner was visited with an order of suspension dated 22.04.2008 and his PDS licence remained suspended during the validity period of suspension namely 90 days. The impugned order of cancellation dated 09.05.2009 amounts to double punishment as the petitioner has already suffered the penalty of suspension on the same set of charges.

6. Accordingly, the impugned order dated 09.05.2009 (Annexure-7) is hereby quashed. The writ petition stands allowed.

**(Vikash Jain, J)**

Chandran/BT

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