

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14490 of 2017

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Prem Kumar Ram, Son of Late Mohar Ram, Resident of Village-Dharampur
Japhar, P.S.-Amnour, District-Saran, Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna.
2. The Collector, Saran, Chapra.
3. The Sub-Divisional Officer, Marhowrah, District-Saran, Chapra.
4. The Block Supply Officer, Amnour Block, Saran, Chapra.

.... Respondent

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate.

For the Respondent : Mr. Arbind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-03-2018

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

*2. The present writ petition has been filed for the
following reliefs -*

*“(i) For issuance of writ of certiorari for quashing the
order dated 17.11.2009 contained in Memo No. 2394
dated 19.11.2009 passed by Sub Divisional Officer,
Marhowrah (Saran) by which P.D.S. Licence bearing no.
100/2007 of the petitioner has been suspended.*

*(ii) For issuance of writ of certioraris for quashing the
order dated 08.01.2010 contained in Memo No. 83 dated
08.01.2010 passed by S.D.O., Marhowrah (Saran) whereby
and whereunder the P.D.S. licence of the petitioner has
been cancelled.*

(iii) For the other reliefs for which petitioner is found



entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the action of the respondents in suspending the petitioner’s P.D.S. licence by the impugned order dated 19.11.2009 and thereafter cancelling the same by the impugned order dated 08.01.2010 is wholly arbitrary and illegal inasmuch as the same amounts to double punishment. Reliance is placed on a Division Bench judgment in *Shiv Chandra Jha vs. Harideo Jha & Ors., 2013 (3) PLJR 956*.

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

5. Having heard the parties, this Court does not find any merit in the writ petition. The question of double punishment in a case where suspension of the license was in contemplation of cancellation of the same, does not arise. This is evident from the very judgment relied upon by the petitioner, in paragraph-21 whereof it has been observed as follows –

*“21. In the matter of **M/s Sukhwinder Pal Bipan Kumar and Others vs. State of Punjab and Others** (supra), a similar licensing Order prevalent in the State of Punjab was under consideration by the Hon’ble Supreme Court. The Hon’ble Court upheld the legality of second proviso of sub-clause (1) of Clause 11 of that Order that empowered the licensing authority, **“to suspend a licence without giving a reasonable opportunity to a licensee of stating his case for a period not exceeding 90 days***



during the pendency or in contemplation of proceeding for cancellation of his licence”.

6. It is also not the case of the petitioner that the cancellation order has been passed beyond the statutory time permissible after suspension and hence there is no statutory violation in this regard as well.

7. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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