

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6322 of 2019

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Dinesh Das Son of Feku Das, resident of Village- Pranpur, Police Station-
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, Dist.- Gaya.
4. The Block Supply Officer, Belaganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-09-2025

1. The present writ petition has been filed for
the following reliefs:-

That this is an application for issuance of an appropriate writ(s), order(s), direction(s) for setting aside the order dated 29.10.2008 passed by the Ld. SDO Sadar Gaya whereby the licence No. 07/95 of the petitioner carrying on business under the Public Distribution System as a PDS dealer has been cancelled after it's suspension and order to start allocation to the shop of the petitioner declaring the cancellation order null and void and/or pass such other order(s) as your Lordships deem



fit and proper under the facts and circumstances of the case.

2. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

3. At the very outset, Learned counsel for the petitioner contended that since this matter is squarely covered under the judgment dated 13.08.2018 passed by a Co-ordinate Bench of this Court in the case of **Umesh Das Vs. The State of Bihar & Ors (CWJC No. 8754 of 2015)** as contained in Annexure-4 to this Writ petition, this Writ petition may also be disposed of on the same terms and conditions.

4. In **Umesh Das (supra)** it has been held as follows:

“Learned counsel for the petitioner submits that the action of the respondents in suspending the petitioner’s PDS licence by order dated 09.10.2007 and thereafter cancelling the same by the impugned order dated 12.07.2008 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 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 09.10.2007 and his PDS licence remained suspended during the validity period of suspension namely 90 days. The impugned order of cancellation dated 12.07.2008 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 12.07.2008 (Annexure-3) is hereby quashed. The writ petition stands allowed.”

5. Having regard to the submissions made by the parties, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **Umesh Das (supra)**, and accordingly, the impugned order dated 29.102008 (Annexure-3) is hereby quashed.

6. The writ petition stands allowed.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2025
Transmission Date	

