

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9451 of 2014

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1. Nirmala Devi Wife of Bhagwat Prasad Resident of Mohalla - Gandhi Mandir
Sabzi Mandi (Uttam Beez Bhandar), Police Station - Jehanabad, District -
Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Agriculture,
Government of Bihar, Patna
2. The Director of Agriculture, Bihar, Patna
3. The Director of Agriculture, Magadh Pramandal, Gaya
4. The Joint Director of Agriculture cum Licensing Authority, Magadh Pramandal,
Gaya
5. The District Agriculture Officer, Jehanabad
6. The District Magistrate, Jehanabad

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Naseem Yahiya, G-P13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for
quashing the office order dated 25.01.2014 (Annexure-3) passed
by Joint Director of Agriculture, Magadh Pramandal, Gaya
whereby the seeds License No. 18/N-2013-16 dated 18.11.2013
issued under the Seeds (Control) order 1983 has been cancelled
holding that the business was not being conducted at the place
mentioned in the licence.

3. It is submitted on behalf of the petitioner that she
had been granted licence dated 8.11.2013 to carry on business
in seeds which required her to carry on the business at Sabaji

Mandi par, Gandhi Mandir Jahanabad Block- Jahanabad, Nagar Prisar, ward no. Jahanabad. It is stated that the petitioner has duly been conducting her business at the designated place, but the impugned order has been passed cancelling her licence, without any prior opportunity of being heard in the matter thus violating of Clause 15 of the Seeds (Control) Order 1983. A representation dated 07.04.2014 was also filed against the cancellation order but to no effect.

4. Learned counsel for the respondents refers to the counter affidavit but however is unable to demonstrate that any prior opportunity of hearing was granted to the petitioner in the matter of cancellation of licence.

5. Having heard the parties, this Court finds merit in the writ petition. The impugned order having civil consequences ought not to have been passed without first hearing the petitioner in the matter.

6. Accordingly, the impugned order dated 25.01.2014 (Annexure-3) is hereby set aside. The respondent authorities would be at liberty to grant an opportunity of hearing to the petitioner before taking any adverse steps against the petitioner.

7. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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