

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1473 of 2022

Radheshyam Gupta S/o- Shivbilas Gupta, Resident of Village- Unwas, P.S.-
Itarhi, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Agriculture Department,
Government of Bihar, Patna.
2. The Director, Agriculture, Bihar, Patna.
3. The District Agriculture Officer, Buxar.
4. The Block Agriculture Officer, Buxar.
5. The Assistant Director (Chemical), Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar, AC to GA -11

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-02-2022

Heard Mr. N.K. Agarwal, learned Senior Advocate
for the petitioner and Mr. Prabhat Kumar, AC to GA - 11
for the State.

The petitioner has challenged the order dated
11.01.2022 passed by the District Agriculture Officer,
Buxar, who is the notified officer with respect to Fertilizer
Control Order of 2015, whereby the licence of the
petitioner has been cancelled.

Learned Senior Advocate for the petitioner has
drawn the attention of this Court to Annexure-1, the notice



dated 07.01.2022, wherein the petitioner was intimated that his licence has been suspended and that within 24 hours he should furnish his reply to four charges listed in the aforesaid intimation.

It has been urged on behalf of the petitioner that despite only 24 hours having been given to him to explain his cause, he furnished his show-cause reply but from the impugned order it would appear that without adverting to his reply, the licence has been cancelled.

Mr. Agarwal, learned Senior Advocate submits that this is not the manner in which the order of cancellation is required to be passed.

The first grievance is with respect to giving of a notice of only 24 hours and that also for proposed lodging of criminal case which is not contemplated in the Fertilizer Control Order of 2015. Secondly, whatever reasons have been provided by the petitioner by way of his reply has not at all been looked into and the impugned order has been passed.

We find force in the submission of Sri Agarwal, learned Senior Advocate for the petitioner.

We are left with no other alternative, but to set aside the aforesaid order dated 11.01.2022.

We remand the matter to the District Agriculture Officer, Buxar to writ out a fresh order in accordance with



law after serving a fresh notice on the petitioner within a period of 30 days on the petitioner furnishing a copy of this order before him.

The final reasoned order shall be passed within the next 60 days of the receipt of such reply by the petitioner.

With the aforesaid direction/observation, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2022
Transmission Date	NA

