

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2565 of 2022

Surendra Kumar, Sex-Male, aged about 73 years, Son of Late Ram Keshwar Sahu Resident of Pali Road, Dehri-On-Sone, P.O. and Police Station - Dehri-On-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Agriculture Director, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Joint Director (Agronomy) Patna Division, Patna.
5. The District Agriculture Officer, Rohtas.
6. The Sub- Divisional Officer, Dehri, District- Rohtas.
7. The Block Agriculture Officer, Dehri, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mr. Dr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. Ashok Kumar Pathak

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-03-2022

Heard Mr. Rajendra Narain, learned senior Advocate for the petitioner and Mr. Ashok Kumar Pathak for the State.

The petitioner is aggrieved by the order dated 20.02.2021 passed by the District Agriculture Officer, Rohtas/Licensing Authority whereby the license of the petitioner under the Fertilizer Control Order has been canceled as also the order dated 23.11.2021 passed by the Joint Director (Agronomy) Patna Division, Patna in Case No. 29/2021-22 whereby the appeal



preferred by the petitioner against the aforesaid order of cancellation has been dismissed and the order of cancellation has been sustained.

Mr. Narain, learned senior Advocate for the petitioner, has drawn the attention of this Court towards two facts viz. that the order of cancellation of license is cryptic and without adverting to any reason in support of the order by which the appeal has been dismissed on the grounds of limitation.

The learned counsel for the petitioner has submitted that even if the appellate authority had entertained the appeal beyond the period of limitation, he would have had no material before him to decide the appeal as the order of cancellation of license does not state any reason whatsoever.

We find that the Licensing Authority has not given any reason in the order except for rejecting the explanation offered petitioner. For an order to be sustained in the eye of law, reasons must be assigned in the aforesaid order or else any superior authority would have no material before him to test the correctness of such order.

For the reasons of the vagueness of the first order of cancellation, both orders, namely, the order canceling the license



of the petitioner as also the appellate order non-suiting the petitioner on the ground of limitation, are set aside.

The matter is remitted to the Licensing Authority for passing a fresh order in accordance with law within a period of sixty days.

The process Shall begin on the presentation of a copy of this order before the Licensing Authority namely District Agriculture Officer, Rohtas within a period of thirty days. Needless to say that the order so passed shall be a reasoned order and shall be communicated to the petitioner forthwith.

With the aforementioned observation and direction, this writ petition stands disposed of.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	

