

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4199 of 2022

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M/s Sai Seeds a Proprietorship Firm, having its Shop at Block Nirmali, P.S. Nirmali, District Supaul through its Proprietor Manish Kumar Sharma, Male aged About 43 Years, Son of Sri Yugal Kishore Sharma, Resident of Village-Nirmali, Ward No. 10, P.O. and P.S. Nirmali, District Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Department of Agriculture, Government of Bihar, Patna.
4. The Collector-Cum-District Magistrate, Supaul.
5. The District Agriculture Officer-cum-Notified Officer (Fertilizer), District Supaul.
6. The Sub-Divisional Officer, Nirmali, District Supaul.
7. The Block Agriculture Officer, Nirmali, District Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mohit Agarwal
For the Respondent/s : Mr.Awanish Nandan Sinha (Gp21)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 20-06-2022 Heard the learned counsel for the parties.

For the petitioner having been taken into custody pursuant to lodging of the F.I.R against him, his P.D.S. license has been cancelled.

The learned counsel for the petitioner has drawn the attention of this Court to the order dated 19.01.2022, whereby the explanation offered by the petitioner with respect to his

accusation in the criminal case has been rejected as being unsatisfactory.

It has been urged on behalf of the petitioner that the explanation offered by the petitioner has not at all been adverted to before passing a final order of cancellation of his P.D.S. license.

A perusal of the order dated 19.01.2022 clearly indicates that there has been no application of mind and a mechanical order has been passed. Time and again, this Court as well as the Apex Court have outlined the necessity of passing a reasoned and speaking order. The purpose of expecting a reasoned order from the authorities is that the superior authority can get to know the reasons behind any order passed by such competent authority.

We do not find anything from the order impugned to justify the cancellation of license of the petitioner.

We are, therefore, constrained to and set aside the order dated 19.01.2022.

The matter is relegated to the District Agriculture Officer, Supaul/ Licensing Authority, to pass a fresh order in accordance with law after adverting to reply of the petitioner and giving reasons for not accepting the same.

Such an order shall be passed by the concerned authority within a period of 60 days from the date of receipt /production of a copy of this order.

Needless to state that the petitioner shall be accorded reasonable opportunity to represent his case.

With the aforesaid direction, the petition stands allowed and disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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