

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4591 of 2022

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M/s Sriram Traders, a Proprietorship Firm having its Shop at Forbisganj, Dist. Araria through its Proprietor Sri Vikram Kumar Agrawal aged 51 years, Male, son of Late Baijnath Agrawal, resident of Ward No. 06, Hospital Road, Near Jyoti Cinema, P.S. Forbesganj, District - Araria.

... .. 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, Araria.
5. The District Agriculture Officer-cum-Notified Officer (Fertilizer), District - Araria.
6. The Sub-Divisional Officer, Forbisganj, District - Araria.
7. The Block Agriculture Officer, Forbisganj, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Adv. Mr. Mohit Agarwal, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar

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

Date : 21-06-2022

Heard Mr. S.D. Sanjay, learned senior advocate for the petitioner and Mr. Sanjay Kumar for the State.

By the order impugned dated 18.12.2021, the license of the petitioner to deal in fertilizer has been cancelled.



The aforesaid order has been passed without giving any show-cause notice to the petitioner or affording him any opportunity of representing his cause.

On that score alone, this order cannot be sustained in the eyes of law.

The learned counsel for the State has very fairly submitted that the petitioner was required to be noticed before this order under Clause 31 of the Fertilizer Control Order, 1985 could have been passed.

Taking the statement made on behalf of the petitioner to be correct regarding non-service of notice to him before the order was passed, we set aside the order and remit the case to the District Agriculture Officer, Araria to pass a fresh order in accordance with law after noticing the petitioner and providing reasonable opportunity to him to represent his cause.

Needless to say that the grounds taken by the petitioner shall be adverted to by the petitioner and reasons shall be given by the authority for either rejecting or allowing the claim of the petitioner. The aforesaid exercise must be completed within a period of sixty days, to be counted from the date of receipt/production of a copy of this judgment.



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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2022
Transmission Date	

