

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9036 of 2019

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M/s. Rudad Kisan Khad Beej Bhandar Simalbani, Block- Sikti, District- Araria, through its Proprietor Taiyab Alam son of Liyaqut Hussain, aged about 63 years (Male), Resident of Village- Barmasiya Simalbani, P.S.- Sikti, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Director, Agriculture Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Agriculture Officer, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
For the Respondent/s : Mr. Jay Prakash Sharma, AC to GP 21

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-11-2022

As prayed for, let the petitioner represented through its proprietor namely Md. Shaukat Ali son of Taiyab Ali be corrected and read as “Taiyab Alam son of Liyaqut Hussain”.

Registry to make necessary correction in the memo of parties, both in the digital as also physical file.

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

“I. For issuance of an appropriate writ in the nature of Certiorari for quashing of letter dated 07.02.2019 bearing memo no.437 issued under



signature of the District Agriculture Officer, Araria, whereby Retail Fertilizer License of the petitioner has been terminated.

II. For issuance of an appropriate writ/order/direction(s) for issuance of direction to accept the Challan for renewal of license as date to deposit the challan is started from 31.03.2019 till 30.04.2019 for renewal of retailership for next financial year.

III. For any other relief/reliefs for which petitioner is entitled for.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to respondent no.4, namely, The District Agriculture Officer, Araria or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.



As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch; (g) Liberty reserved to the petitioner to approach the appropriate forum, if



the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits.

All issues are left open;

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	15.11.2022
Transmission Date	

