

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9057 of 2022

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M/s Sanjeet Traders a proprietorship firm having its office at Mahila College Road, Madhubani, through its proprietor Sanjeet Kumar, aged about 45 years (male), Son of Late Gokul Prasad Sah, resident of Village Ward No. 1, Laheriyaganj P.O. and P.S. - Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Vikas Bhawan, Patna 800015.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Vikas Bhawan, Patna 800015.
3. The Agriculture Director, Department of Agriculture, Government of Bihar, Vikas Bhawan, Patna 800015.
4. The District Agriculture Officer, Madhubani.
5. The District Agriculture Co-ordinator, Madhubani.
6. The District Magistrate, Madhubani.
7. The Block Agriculture Officer, Rahika.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Respondent/s : Mr. Raghwanand (GA11)

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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 : 21-09-2022

Heard Mr. Suraj Samdarshi, learned Advocate for the petitioner and Mr. Prabhat Kumar, for the State.

The petitioner had earlier approached this Court *vide* C.W.J.C. No. 19439 of 2021, seeking quashing of the order dated 08.11.2021 issued by the District Agriculture Officer, Madhubani,



whereby the license of the petitioner to carry the wholesale trade of fertilizer was cancelled and for other directions.

Initially, the petitioner was charged with black-marketing and non-cooperation during inspection, but later, it was alleged that after the premises of the petitioner was sealed, he broke it open without any authority of Law.

However, the Division Bench on finding that the petitioner was never served with a notice before the order of cancellation of license, set-aside such order and directed the petitioner to make himself available before the District Agriculture Officer, Madhubani on 07.03.2022, when all the materials against him shall be supplied to him by the Authorities. Within two weeks thereafter, the petitioner was required to file his response which was to be complete in all respects and he had to co-operate in the matter and not adopt any dilatory practice of seeking adjournments. Thereafter, it was further directed to the authorities to pass an order assigning reasons within a time frame of three months.

The Division Bench made it very clear while taking any decision in the matter, the Authorities shall follow the principles of



natural justice and shall afford all opportunities to the petitioner to explain his cause. If the petitioner would not be happy with the order passed by the Licensing Authority, he was given further liberty to challenge such order before an appropriate forum.

With such clear directions, the issues should have been resolved.

However, unfortunately, there is an allegation and counter-allegation that the petitioner did not do his part, whereas the petitioner contends that despite his appearance before the District Agriculture Officer, Madhubani on 07.03.2022, he was not handed over any document which could have been incriminating in some respect and in the absence of such documents, post the order of the Division Bench, certain samples which were collected, had been sent for chemical examination, which according to the petitioner is in violation of the Fertilizer Control Order 1955.

We find that the entire process has been detracted for the reason of both the parties not following the directions of this Court appropriately.

It is under these circumstances that we again direct that the District Agriculture Officer, Madhubani shall afford to the



petitioner all the documents which would be relied upon by him in taking a final decision in the matter within a period of 30 days from the date of receipt of this order.

In case of any notice to the petitioner thereafter to explain the circumstances, the petitioner shall furnish his reply within 15 days thereafter.

The final order shall be passed by the Licensing Authority within a period of 30 days of the receipt of the explanation furnished by the petitioner.

Any breach in the timeline provided by this Court shall be viewed seriously.

It is expected that all the materials which could be relied upon by the District Agriculture Officer, Madhubani while taking a decision with respect to cancellation of the license of the petitioner shall be made available to the petitioner without fail.

At the cost of repetition, this Bench directs that non-observance of the aforesaid directions would lead to punitive action against any person who would be found to have been instrumental in not following the earlier orders of the Division Bench and the order which has been passed today.



The District Agriculture Officer shall record the appearance of the petitioner as also of the handing over of the documents to him. Not doing so would be taken as an evidence of not following the directions of this Court.

With the aforesaid directions/observations, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/ashishkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
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