

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12546 of 2022

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1. Pushpendra Tiwari @ Pushpendra Tivari S/o- Srikant Tiwari, Proprietor- Jaibajrang Treaders, Sikraul Lukh, P.S.- Sikraul Lukh, District- Buxar.
 2. Sikander Singh, S/o- Late Raja Ram Singh, Proprietor- Maan Ambey Enterprises, Birkuar Singh Colony, Charitraban, P.S.- Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Director, Agriculture, Bihar, Patna.
3. The Joint Director (Agronomy Shashya), Patna Division, Mithapur, Agriculture Farm, Patna.
4. The District Agriculture Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13
		Mr. Arya Achint, A.C. to AAG-13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- I. To issue rule in the nature of certiorari to quash the memo No 1529 dated 16.7.22 issued by the Joint Director(Shashya) Patna Division Patna and the letter No 2059 dated 22.7.22, Given by District Agriculture officer Buxar by which the subsidy



amount, paid on sale of the agricultural Instrument under the scheme of the government, has been ordered to recover from the petitioner who are authorized dealer to sale of those agriculture equipment /Instrument.

- II. To issue rule in the nature of mandamus commanding the respondents to fix responsibility against officers of Agriculture Department who did not inform either orally or through concerned letters under which 50% of Purchase amount or RS 15000/- as subsidy was to be given on sale of 90 meter Pipe and not on ,30 meter Pipe.
- III. To direct the respondents to recover the excess subsidy amount from the farmer who paid less amount on 30 meter pipe deducting RS 15.,000/- which subsidy was payable on 90 meter pipe.
- IV. To grant any other or reliefs or reliefs to which, the petitioner is legally entitled.

Having heard learned counsel for the parties, we are of the considered view that the impugned order dated



16.07.2022, issued by Respondent No. 3, namely, the Joint Director (Agronomy Shashya), Patna Division, Mithapur, Agriculture Farm, Patna (Annexure-13, Page-45) and the consequential communication dated 22nd of July, 2022, issued by Respondent No. 4, namely, the District Agriculture Officer, Buxar (Annexure-14, page-46) needs to be quashed and set aside, for we find, in the response filed by the respondents there is no denial to the fact that the material placed on record by the petitioner, in response to the notice to show-cause, was neither referred to nor considered. The order entails civil and penal consequences. Also, the order is cryptic in nature.

As such, we quash and set aside the impugned order dated 16.07.2022, issued by Respondent No. 3, namely, the Joint Director (Agronomy Shashya), Patna Division, Mithapur, Agriculture Farm, Patna (Annexure-13, Page-45) and the consequential communication dated 22nd of July, 2022, issued by Respondent No. 4, namely, the District Agriculture Officer, Buxar (Annexure-14, page-46).

The instant petition stands disposed of in the aforesaid terms, reserving liberty to the petitioners to initiate action, if so required and desired.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16/11/2022
Transmission Date	

