

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3551 of 2021

Absar Alam S/o Khalilur Rahman Resident of Village - Sontha, Sunder Bari,
P.S. - Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Agriculture, Bihar, Patna.
2. The Director, Agriculture, Bihar, Patna.
3. The District Agriculture Officer, Kishanganj.
4. The Block Agriculture Officer, Kochadhaman, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Radhwanand, GA-11

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 18-01-2022 The application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner has put to challenge in the present writ application an order dated 26.08.2020, passed by the District Agriculture Officer, Kishanganj, whereby his retail licence issued under the provisions of Fertilizer (Control) Order, 1985 has been cancelled. Before approaching this Court, the petitioner has admittedly not invoked the alternative remedy of appeal under the Fertilizer (Control) Order, 1985.



Learned counsel for the petitioner has submitted that the impugned order has been passed in gross violation of principles of natural justice without giving him any opportunity of hearing.

Be that as it may, considering the facts and circumstances, this application is disposed of with a liberty to the petitioner to approach the appropriate authority by preferring appeal. If any appeal is preferred within four weeks from today, it is expected that the Appellate Authority shall consider the petitioner's appeal on merit and the petitioner's application for condonation of delay liberally. The petitioner shall be at liberty to raise all the points including the point of violation of principles of natural justice, as has been taken in the present writ application, before the Appellate Authority. It is further indicated that if the appeal is preferred within the aforesaid period of four weeks, the Appellate Authority must expeditiously dispose of the same preferably within a period of two months from the date of filing of the appeal.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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