

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20662 of 2021

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Ajeet Kumar S/o- Rajnandan Prasad, Resident of Village- Bhagwanganj,
Masaurhi, P.S.- Bhagwanganj, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Agriculture Department,
Government of Bihar, Patna.
2. The Joint Director, Patna
3. The District Agriculture Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Preety Kunwar, Advocate

For the Respondent/s : Mr.Dhurjati Kr. Prasad (G.P.14)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 10-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That the present writ petition is filed on behalf
of the petitioner for quashing the Letter no. 2647
dated 09.09.2020 passed by the District
Agriculture Officer, Patna by which Fertilizer
retail License No. 01 (R) dated 29.05.2020 of the
petitioner was suspended and the Memo no. 2776
dated 23.09.2020 cancelling the petitioner’s
license as well the appellate order vide Memo
No. 1275 dated 19.07.2021 passed by the Joint
Director, Patna.”

Petitioner was granted Fertilizer retail License No. 01

(R) and a show cause notice dated 9.9.2020 was issued to him

by the District Agriculture Officer-cum- Licensing authority, Patna in which it was alleged that petitioner was indulged in black marketing of fertilizer and urea which is violation of Fertilizer Control Order, 1985 and his licence was suspended and he was directed to submit his reply within two days otherwise his licence will be cancelled.

Petitioner submitted his reply dated 11.09.2020 to the show cause denying all the allegations, however, without considering his reply, the licensing authority -cum- District Agriculture Officer cancelled the fertilizer licence of petitioner on the ground that the explanation submitted by petitioner is not satisfactory.

The impugned order dated 28.07.2021 passed by Respondent No. 3, namely, The District Agriculture Officer, Patna is a cryptic and non-speaking order and no reason has been assigned by the licensing authority for cancellation of licence granted to petitioner which amounts to violation of principles of natural justice as well as not affording reasonable opportunity, to the petitioner while cancelling the fertilizer licence which entails civil consequences as it affects the petitioner's rights.

In view of the submissions made and the grounds

mentioned in the petition, the impugned order dated 09.09.2020 passed by Respondent No. 3, namely, the District Agriculture Officer, Patna cancelling P.D.S. Licence No. 01 (R) dated 29.05.2020 of the petitioner, is quashed and set aside, as a consequence of which, the appellate order dated 19.07.2021 passed by the Joint Director, Patna is also quashed and set aside with liberty to the petitioner to approach Respondent No. 3 afresh.

Petition is disposed of in the following terms:

- (a) The petitioner shall make himself available before the District Agriculture Officer, Patna on 07.03.2022;
- (b) On the said date, the entire material shall be supplied to the petitioner;
- (c) Within two weeks thereafter, petitioner shall file response, complete in all respects;
- (d) Petitioner shall fully cooperate and not take any unnecessary adjournment;
- (e) The officer shall pass an order assigning reasons within a period of three months thereafter;
- (f) While considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(g) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	