

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15636 of 2022

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Harendra Tiwari Son of Srikant Tiwari, Chini Mill Buxar, Police Station - Buxar Town, District - Buxar, Proprietor M/S Laxmi Enterprises and M/S Jai Matadi Enter-Prises, Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through 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.
5. The District Certificate Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
For the Respondent/s : Mr.Anant Prasad Singh, SC 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 18-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) To issue rule in the nature of certiorari to quash the Letter No. 1055 dated 13.07.2019 and Letter No. 1057 dated 19.05.2020 issued by District Agriculture Officer, Buxar by which the petitioner has been directed to returned to Rs. 12,72,216/- (Rs. Twelve Lacs Seventy Two Thousand Two Hundred



Sixteen only) and Rs. 5,70,477/- (Rs. Five Lacs Seventy Thousand Four Hunder Seventy Seven only) by which the subsidy amount paid on the sale of the Agriculture pipe under the Scheme of the Government has been ordered to recover from the petitioner, as authorised dealer of the Government to sale of those pipes.

(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 in writing about concerned letters No. 3154 dated 15.07.2014 under which 50% of purchase amount or Rs. 15,000/- 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 purchase of 30 meter Pipe deducting Rs. 15,000/- on sale amount particularly when subsidy was payable on 90 meter Pipe.

(iv) To quash the certificate proceeding initiated vide Certificate Case No. 01/2020-21, pending in the Court of District Certificate Officer, Buxar.

(v) 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 orders dated 13.07.2019 and 19.05.2020 issued by Respondent No. 4, namely, the District Agriculture Officer, Buxar (Annexure-1 series, page-26-27) 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 orders dated 13.07.2019 and 19.05.2020 issued by Respondent No. 4, namely, the District Agriculture Officer, Buxar (Annexure-1 series, page-26-27).

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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	20.11.2022
Transmission Date	

