

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2665 of 2023

=====

Kunj Bihary Singh, Son of Raj Deo Singh, Resident of Village- Inglis, P.S.-
Barun, Dist- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Agriculture, Patna.
2. The Principal Secretary, Department of Agriculture, Bihar Patna.
3. The District Collector, Aurangabad.
4. The Licensing Authority -cum- District Agriculture Officer, Aurangabad.
5. The Block Agriculture Officer, Barun.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Anant Prasad Singh, SC-15

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 03-05-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In compliance of the order dated 03.04.2023, Mr. Ranbir
Singh, the District Agriculture Officer, Aurangabad is present in
person.

3. The petitioner in this case is aggrieved by and
dissatisfied with the order contained in Memo No. 83 dated
10.01.2023 issued under signature of the Licensing Authority-cum-
District Agriculture Officer, Aurangabad whereby and whereunder
the licence of the petitioner for retail sale of fertilizer has been
cancelled.



4. Learned counsel for the petitioner submits that the impugned order has been passed without giving him an opportunity of hearing.

5. Mr. Ranbir Singh, the District Agriculture Officer admits that he had passed the impugned order without giving an opportunity of hearing to the petitioner but then he explains the circumstances under which he was constrained to pass the impugned order. It is stated that when the Fertilizer Inspector went to the shop of the petitioner during the peak season when the farmers were looking for fertilizer, the Inspector noticed that the petitioner was indulged in blackmarketing. The District Agriculture Officer was reported that when the Inspector called upon the petitioner to explain his conduct in blackmarketing of the fertilizer, the petitioner became furious and misbehaved with the Inspector. He submits that because of the said report, he took immediate step to cancel the licence.

6. Having heard learned counsel for the petitioner, learned counsel for the State and the District Agriculture Officer who is present in person, this Court finds that admittedly, the impugned order has been passed without giving an opportunity of hearing to the petitioner. The impugned order is, therefore, bad in law inasmuch as it has been passed in violation of principle of natural justice.

7. As a result of this, the impugned order is liable to be set aside. It is accordingly set aside.



8. The District Agriculture Officer may issue a show cause notice, if so advised and only after giving an opportunity of hearing, an appropriate reasoned decision be taken by the District Agriculture Officer, Aurangabad within a period of three months from the date of service of the show cause notice upon the petitioner.

9. For the present, the licence of the petitioner shall be restored and he shall be allowed to work but constant watch shall be kept on his conduct in the matter of supply of fertilizer to the farmers.

10. Let it be recorded that this Court has not gone into the merit of the case and the District Agriculture Officer may take his independent view after considering the reply of the petitioner within the stipulated period.

11. This application stands disposed of accordingly.

12. Personal appearance of the District Agriculture Officer, Aurangabad is dispensed with.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.05.2023
Transmission Date	

