

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6441 of 2023

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M/s Kushal Beej Bhandar Located at Baba Market, Narhat Road, Hisua,
Police Station- Hisua, District- Nawadah through Proprietor namely Sunil
Kumar (Male), Aged about 52 Years, Son of Rajendra Prasad, Resident of
Village- Kajipura, Police Station- Narhat, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of
Agriculture, Government of Bihar, Patna.
2. The District Magistrate, Nawadah.
3. The District Agriculture Officer, Nawadah.
4. The Block Agriculture Officer, Nardiganj-cum-Additional Fertilizer
Inspector, Nardiganj and Hisua.
5. The Block Agriculture Officer, Hisua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kr. Singh (AAG-13)
		Mr. Rajat Kumar Tiwari, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 18-05-2023 In the instant petition, petitioner has prayed for the

following relief(s):-

“1. (i) A writ in the nature of certiorari setting aside the impugned Office order bearing Memo No. 134 dated 25.01.2022 issued under the signature of Respondent District Agriculture Officer, Nawadah (Respondent No. 3) as contained in Annexure-3 whereby and where under in pursuant to Letter No. 99 dated 20.01.2022 issued from the level of Respondent No. 4 First Information Report has been instituted against the petitioner bearing Hisua Police Station Case No. 36 of 2022 under Section 7 of E.C. Act for allegedly bringing 522 bags ofIFFCO Urea Fertilizer, the licence to carry on the business of a Dealer in Fertilizer bearing Licence No. D-SL-23705102162769 has been cancelled with immediate effect and



further directed the petitioner to deposit POS Machine in the office of undersign without asking any explanation or giving an opportunity to place his defence in pursuant to Clause 31 of Fertilizer (Control) Order 1985 even without suspending the licence firstly rather directly cancelled the licence in contravention of Clause 31 (4) of Fertilizer Control Order 1985.

(ii) For further direction to restore the licence of carrying out fertilizer business in view of the fact that in alleged criminal case bearing Hisua Police station Case No. D36/22, the petitioner has been granted anticipatory bail from the level of this Hon'ble Court and petitioner has never been declared absconder or fugitive the order of the competent Court or authority.

(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

2. On 15.05.2023, the following order was passed.

“Respondent No. 3 – The District Agriculture Officer, Nawadah is hereby directed to file his personal affidavit as to whether Annexure – 3 is with notice or without notice. Such affidavit be filed before the next date of hearing.

Re-list this matter on 18.05.2023.”

3. Today, learned counsel for the respondent filed counter affidavit on behalf of the respondent nos. 3, 4 & 5. Respondents are not disputing that impugned action is after issuance of notice to the petitioner.

4. In the light of these facts and circumstances, the petitioner has made out case, accordingly, Annexure-3 dated 25.01.2022 stands set aside, reserving liberty to the competent authority to take action in accordance with law after due notice



and hearing of the petitioner. Such action shall be taken within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

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