

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9175 of 2022

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Surendra Kumar son of Late Ram Keshwar Sahu resident of Pali Road, Dehri-On-Sone, P.O. and Police Station-Dehri-On-Sone, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Agriculture Department, Bihar Patna.
2. The Agriculture Director, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Joint Director (Agronomy) Patna Division, Patna.
5. The District Agriculture Officer, Rohtas.
6. The Sub-Divisional Officer, Dehri, District-Rohtas.
7. The Block Agriculture Officer, Dehri, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Senior Advocate Dr. Manoj Kumar, Advocate Ms. Manju Narain, Advocate Mr. Adesh Raj Singh, Advocate Mr. Umesh Kumar Roy, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-02-2023 Heard Mr. Rajendra Narain, learned Senior Counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar, learned Counsel appearing on behalf of the Respondent.

Petitioner is aggrieved by order dated 20.05.2022 by which the licensing authority, without applying his mind has reiterated the order dated 18.01.2022 by which the License No. 18/2019-20 of the petitioner was suspended. The petitioner had filed appeal which also got dismissed by the Appellate Authority, thereafter, the petitioner filed a writ petition bearing



CWJC No. 2565 of 2022.

This Court vide order dated 02.03.2022 quashed the order passed by the Licensing Authority, as well as, the Appellate Authority.

Learned counsel appearing on behalf of the petitioner submitted that Respondent No. 5- District Agriculture Officer, Rohtas in compliance of the order dated 02.03.2022 without applying his mind legally maintaining the earlier order of cancellation of Fertiliser License No. 18/2019-20 has acted in violation of the order dated 02.03.2022 passed by this Court in CWJC No. 2565 of 2022. The Licensing Authority was required to serve upon petitioner afresh show cause and to grant opportunity of hearing in accordance with the order of this Court. Cancellation of license of the petitioner is not justified. Accordingly, the order dated 20.05.2022 being passed without application of mind is without jurisdiction is required to be set aside.

Learned Counsel appearing on behalf of the respondent submitted that the order is well considered and the license of the petitioner was suspended for which an F.I.R. was lodged against the petitioner on the basis of inspection of the shop of the petitioner and having found irregularities in the



license of the petitioner's license has been cancelled.

Considering the fact that the petitioner being aggrieved by the order dated 18.01.2021 contained in Memo No. 148 by which Fertilizer License No. 18/2019-20 was suspended and the same was quashed by this Court in C.W.J.C. No. 2565 of 2022, the Licensing Authority was required to issue Show Cause to the petitioner along with the copy of accusation and the same having not been done, the Order dated 20.05.2022 contained in Memo No. 1374 is held to be without jurisdiction and accordingly set aside.

Accordingly, the present writ petition is allowed.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

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