

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14973 of 2023

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Manoj Kumar Mahto Son of Late Ghoghan Mahto Resident of Village and
Post- Kaliyaganj Dhapari, Ward No. 02, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Agriculture Department, Government of Bihar, Patna.
2. The Director, Agriculture Department, Government of Bihar, Patna.
3. The Joint Director, Agriculture Department, Government of Bihar, Patna.
4. The Deputy Director (Sasya), Purnia Circle, Purnia, Bihar.
5. The Joint Director Agriculture, Koshi Division, Saharsa.
6. The District Agriculture Officer, Araria, Bihar.
7. The Block Agriculture Officer, Araria, Bihar.
8. The Sub- Divisional Agricultural Officer, Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Raj
For the Respondent/s : Mr.Raghwanand (Ga11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-03-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of writ in the nature of certiorari for quashing of the notice dated 21.2.2022, contained in memo no. 110, issued by the Sub-Divisional Agricultural Officer, Araria, whereby and whereunder the petitioner has illegally and arbitrarily been directed to deposit the total amount of Rs. 13,97,575 (Rupees Thirteen Lakhs Ninety-Seven Thousand five hundred and seventy-five) to the Government Fund within 30 days of receipt of the notice



without any basis with respect to the years 2017-18, 2018-19 and 2019-20 by alleging therein that low production of the crops/seeds against estimated production in Seed Multiplication Field, in compliance of the direction of the higher officials without issuance of even a show cause notice to the petitioner in very mechanical and erroneous manner as well as without authority of law.

(ii). For issuance of writ in the nature of mandamus for directing and commanding the responsible respondent authorities that not to take the illegal action and omission against the petitioner, who has been discharging his duty from his initial joining to till yet as unblemished.

(iii). For staying the operation of the impugned notice dated 21.02.2022 contained in Memo No. 110, which has illegally and arbitrarily been issued by the Sub-Divisional Agriculture Officer, Araria, in complete violation of Principles of Natural Justice.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file his wholesome reply to the notice dated 21.2.2022, issued by the Sub-Divisional Agricultural Officer, Araria i.e. the Respondent No. 8, however, seeks interim protection in the meantime.

3. Per contra, the learned counsel for the Respondent-State



submits that in case, appropriate reply is filed before the Respondent No. 8, he shall consider the same and take a final decision forthwith.

4. Having regard to the facts and circumstances of the case, I grant two weeks' time to the petitioner to file his wholesome reply to the aforesaid notice dated 21.2.2022 and in case, such a reply is filed, the Respondent No. 8 shall consider the same, in accordance with law and pass a reasoned and a speaking order within a period of six weeks, thereafter.

5. It is needless to state that for a period of eight weeks from today, no coercive action shall be taken against the petitioner for recovery of the amount, sought to be recovered from the petitioner, vide the aforesaid notice dated 21.2.2022.

6. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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