

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13400 of 2023

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Mahadeo Singh Son of Bhikho Singh, Resident of Village/PO - Lakho, P.S. - Muffasil, District - Begusarai- 851129, (Adhyaksh- Lakho PACS, Lakho, District Begusarai).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Vikas Bhawan, Patna 800015.
2. Joint Director (Harvest/Shasya) Munger Division Munger cum Appellate Authority.
3. District Agriculture Officer, cum Licensing Authority, Begusarai, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kishore Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Raghwanand (GA 11)
	:	Mr. Sanjay Kr. Tiwari, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 06-03-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner, as the Chairman of PACS, has challenged the order dated 18.01.2021 (Annexure-P/6), passed by District Agriculture Officer, Begusarai, by which, the fertilizer licence of the petitioner's PACS has been cancelled. The appeal preferred by the petitioner was rejected by Joint Director (Harvest/Shasya) Munger Division Munger-cum-Appellate Authority on 31.05.2022.
3. Learned counsel for the petitioner submits that on 18.08.2020, the licence of the petitioner was suspended and petitioner was directed to submit his explanation before the



District Agriculture Officer, Begusarai on 20.08.2020. Learned counsel further submits that in pursuance thereof, explanation has been submitted by the petitioner before the District Agriculture Officer, Begusarai on 20.08.2020, however, the impugned action of suspension and cancellation of the fertilizer licence has been taken on the basis of some inquiry done on 18.08.2020 but copy of the inquiry report has not been furnished to the petitioner, prior to suspension and/ or cancellation of fertilizer licence of the petitioner.

4. Learned counsel for the State submits that it is correct that inquiry report has not been furnished prior to passing of the impugned order of cancellation.

5. I have heard learned counsel for the parties. It appears that fertilizer licence of the petitioner has been cancelled on the basis of inquiry conducted by the authorities. A copy of the inquiry report, admittedly, has not been furnished to the petitioner prior to passing of the impugned order which, in my opinion, violates the principles of natural justice, as appropriate opportunity was not given to the petitioner to explain the circumstances before the Licensing Authority.

6. Consequently, order of cancellation of petitioner's licence as well as order of Appellate Authority are set aside and



the matter is remanded back to the District Agriculture Officer, Begusarai with a direction to serve a copy of the inquiry report upon the petitioner, within a period of 10 days from today with opportunity to the petitioner to submit explanation/ point of defense. Upon consideration of all the materials and explanation submitted by the petitioner, District Agriculture Officer is directed to pass a fresh order within a maximum period of one month from the date of submission of explanation by the petitioner.

7. With the aforesaid observations and directions, the present writ application is disposed.

(Anil Kumar Sinha, J)

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