

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14685 of 2022

Md. Quamruzzama @ Quamruzzana, s/o Ajzizur Rahaman, Resident of Village-Jhingakata, P.S.-Bahadurganj, District-Kishanganj, Proprietor of M/s Kisan Khad Beej Bhandar, Jhingakata, Bahadurganj, District-Kishanganj, having ID No. 375793.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Agriculture, Bihar, Patna.
2. The Director, Agriculture, Bihar, Patna.
3. The District Agriculture Officer, Kishanganj.
4. The Block Agriculture Officer, Bahadurganj, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv
For the Respondent/s : Mr.Raghwanand (GA 11)
Mr. Prabhat Kumar, AC to GA 11

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 24-01-2024 Heard the parties.

2. The present writ petition is filed for the following relief(s):-

“for setting aside the order contained in Memo No. 1508/जि०कू० dated 27.08.2020 passed by the District Agriculture Officer, Kishanganj by which the retail license of the petitioner being license no. 90/2017-18(R) issued under the provisions of the Fertilizer Control Order, 1985 has been cancelled even without issuance of show cause notice and further be pleased to restore the license of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order dated 27.08.2020



is passed without issuing any show cause notice to the petitioner. Learned counsel has stated that non issuance of the show cause notice to the petitioner is against the principle of natural justice and equity and the same is liable to be set aside. Learned counsel has further stated that even though the petitioner has taken a specific ground in the present writ petition as detailed in paragraph 9 of the present writ petition, the authorities in their counter affidavit have not denied the same. Learned counsel has drawn the attention to this Court to the impugned order which does not reveal that any show cause notice has been issued to the petitioner before passing the impugned order.

4. Even though, the learned counsel appearing on behalf of the respondents has tried to sustain the impugned order passed by the authority, he has fairly conceded that the counter affidavit is silent about the averment made by the petitioner that no show cause notice was given to the petitioner before passing the order.

5. Having regard to the fact that the petitioner has not been served any show cause notice before passing the impugned order, the impugned order dated 27.08.2020 is set aside. In case, the authorities concerned want to take any action, the petitioner



shall be given a fresh show cause notice, seeking his explanation. If any show cause notice is issued to the petitioner, the petitioner shall file his explanation within the stipulated time. On receipt of the said explanation, the authorities concerned shall pass a reasoned order strictly in accordance with law duly taking into account the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the petitioner.

6. With the above directions, this Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

