

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9949 of 2022

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M/s Alam Khad Beej Bhandar College Chawk Bahadurganj, District - Kishanganj, through its Proprietor Zafar Alam, aged about 64 years (Male), S/o Mahiuddin, Resident of Village - Tangtangi, P.S. - Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Dhurjati Kr. Prasad (Gp14)

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

- 3 15-04-2025 Learned counsel for the petitioner has stated that the cancellation of the license of the petitioner has been done by the District Agricultural Officer without putting the petitioner on show cause notice. Learned counsel has stated that the authority without putting the petitioner on notice giving him a chance for filing his explanation has straightaway passed the order of cancellation. Though the petitioner has preferred an appeal, the authority has dealt with the appeal in a mechanical manner and does not address the issue raised by the petitioner. Learned counsel has further stated that though a specific stand has been taken by the petitioner about violation of principles of natural



justice and equity in his writ petition, the authorities have not dealt with the same. In the counter affidavit filed it is admitted that no prior show cause notice has been issued to the petitioner prior to the passing of the impugned order of cancellation. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition.

2. *Per contra*, the learned counsel appearing on behalf of the respondents State has tried to defend the orders passed by the authority and stated that the orders are in accordance with law. When it was pointed out by the Court that in the counter affidavit filed by the respondents State that there is no denial with respect to the non-service of the show cause notice on the petitioner. Learned counsel has fairly accepted the same.

3. Having regard to the above, the impugned orders dated 10.02.2022 passed by the District Agriculture Officer, Kishanganj and the order dated 22.04.2022 passed by the Joint Director, Agriculture, Purnea Division, Purnea are both set aside. The matter is remanded back to the District Agriculture Officer, Kishanganj for passing orders afresh after duly putting the petitioner on show cause notice and giving him an opportunity of filing his explanation. The entire exercise shall be completed as expeditiously as possible preferably within a



period of twelve weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing.

4. With the above directions the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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