

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3083 of 2026

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Manoj Kumar Sah S/o Jivanand Sah, Resident of Village-Rajaula, Batraha,
Ward No. 05, P.O. Kuari, P.S.-Sonamani Godam, District-Araria, proprietor of
M/s Jagriti Traders, Mauza-Rajaula, Kursakanta, Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Agriculture Department, Bihar, Patna
2. The Director, Agriculture, Bihar, Patna.
3. The Joint Director, Agriculture, Purnea.
4. The District Agriculture Officer, Araria.
5. The Sub-Divisional Agriculture Officer, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondent/s : Mr. Government Pleader (23)

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

3 29-06-2026 Heard the learned counsel for the parties.

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

“(i) For issuance of appropriate writ/ writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 04.09.2025 contained in Memo No. 3006 dated 09.09.2025 passed by the Learned District Agriculture Officer by which he has cancelled the retail fertilizer license being License No. DSL-200920012267668 issued under the provisions of the Fertilizer Control Order, 1985 has been cancelled even without show cause reply of the petitioner.



(ii) For issuance of appropriate writ/ writs, order/orders, direction/directions in the nature of certiorari for quashing the appellate order dated 18.11.2025 passed in Appeal being numbered as Appeal Case No. 15/25-26 by which Statutory appeal filed on behalf of the petitioner has been cancelled on the grounds which are not sustainable in the eye of law.

(iii) For issuance of appropriate writ/ writs, order/orders, direction/directions in the nature of mandamus commanding the respondents to restore the retail fertilizer license of the petitioner being License No. DSL-200920012267668.”

3. Learned counsel appearing on behalf of the petitioner submits that pursuant to the show-cause notice dated 22.08.2025, the petitioner has submitted his explanation on 27.08.2025. Thereafter, the respondent-authority has issued a second show-cause notice on 28.08.2025 granting three days time to the petitioner to file his explanation. Learned counsel submits that due to health grounds, the petitioner could not file his explanation to the second show-cause notice and the respondent-authority i.e. the District Agriculture Officer, Araria without giving any further opportunity has passed the impugned order dated 04.09.2025 *vide* Memo No. 3006 dated 09.09.2025. Learned counsel for the petitioner submits that the respondent-authority instead of passing the order on merits has cancelled



the licence issued in favour of the petitioner solely on the ground that the petitioner did not file his explanation to the 2nd show-cause notice. Though the petitioner has preferred an appeal before the statutory authority, the same has also been dismissed confirming the orders of cancellation passed by the District Agricultural Officer, Araria *vide* order dated 18.11.2025 passed by the Joint Director, Agriculture, Patna. Learned counsel has relied on the judgment passed by a Division Bench of this Hon'ble Court in LPA No. 861 of 2004 dated 06.09.2004 (***Yogendra Prasad v. The State of Bihar and Ors.***) wherein this Hon'ble Court has held that even if the licence holder does not file any explanation to the Show Cause Notice, the Authority concerned is legally bound to pass the orders on merits. Learned counsel submits that even if the show-cause was not filed by the petitioner, the authority ought to have passed the orders on merits. However, the impugned order of cancellation is passed solely on the ground that the petitioner did not file his explanation to the 2nd show-cause notice. Learned counsel, therefore, prays this Hon'ble Court to set aside the impugned order dated 04.09.2025/09.09.2025 passed by the District Agriculture Officer, Araria and the order dated 18.11.2025 passed by the appellate authority and remand the matter back to



the District Agriculture Officer, Araria for passing orders afresh duly giving the petitioner an opportunity of filing his explanation and hearing.

4. Per contra, the learned the learned counsel appearing on behalf of the respondent-authority while conceding to the Judgment of this Hon'ble Court referred above has stated that he has no objection for setting aside the impugned orders and remand the matter back to the authority concerned for passing orders afresh.

5. Having regard to the above made submissions and also the law laid down in LPA No. 861 of 2004 dated 06.09.2004, the impugned order dated 04.09.2025 contained in Memo No. 3006 dated 09.09.2025 passed by the District Agriculture Officer, Araria and the appellate order dated 18.11.2025 passed by the Joint Director Agriculture, Purnea are both set aside. The matter is remanded back to the District Agriculture Officer, Araria i.e. Respondent No. 4 herein for passing a reasoned order afresh strictly on merits. The authority concerned shall put the petitioner on notice and give him an opportunity to file his explanation and then pass a reasoned order duly taking into consideration the explanation submitted by the petitioner.



6. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possibly preferably within a period of 8 weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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