

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4311 of 2025

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Prahlad Manjhi @ Prahlad Mazi, S/o Sri Gopal Manjhi, Proprietor of M/s Prahlad Krishi Kendra, Resident of Village- Vishay, P.S- Tarapur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Munger, District- Munger.
2. The District Magistrate-cum- Collector, Munger, District- Munger.
3. The District Treasury Officer, Munger, District- Munger.
4. The District Agriculture Officer, Munger, District- Munger.
5. The Block Agricultural Officer, Tarapur, District- Munger.
6. The Officer-in-Charge, Tarapur Police Station, Tarapur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Respondent/s : Mr.Standing Counsel (07)

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

8 11-05-2026 Heard learned counsel for the parties.

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

“A. Issue a writ in the nature of Certiorari, or any other appropriate writ, quashing the order dated 09.12.2022 passed by the District Magistrate-cum-Collector, Munger, in Confiscation (Supply) Case No. 14/2022-23, whereby and whereunder, the concerned respondent ordered the confiscation of 56 bags of fertilizer (comprising 43 bags of Urea, 10 bags of DAP, and 3 bags of MOP), a vehicle bearing registration number BR-10GB-5947, and additional fertilizer stored in the petitioner's godown, purportedly under



Section 6A of the Essential Commodities Act, 1955.

B. Issue a writ in the nature of Mandamus, or any other appropriate writ, directing and commanding the respondents to:

i. Declare that the respondent authorities have no authority to confiscate the fertilizer legally purchased by the petitioner and duly stored in the godown under lawful entitlement.

ii. Refund the amount of INR 10,04,464/- (Rupees Ten Lakhs Four Thousand Four Hundred Sixty-Four Only), which was deposited in the State Treasury following the actions taken under Confiscation (Supply) Case No. 14/2022-23, which is the proceeds from the sale of fertilizer unlawfully seized from the Petitioner's vehicle (BR-10GB-5947) and godown, despite having been purchased by the Petitioner through a cash credit account (CC Account).

iii. Allow the Petitioner to resume the dealership business of fertilizers in compliance with the Order dated 01.11.2022, as per letter no. 1920 issued by Respondent No. 4.”

3. Learned counsel appearing on behalf of the petitioner submits that no prior notice was given to the petitioner before passing the impugned order dated 09.12.2022 and therefore, the same is liable to be set aside on the ground of violation of the principles of natural justice and equity.

4. This Court, vide order dated 22.09.2025, has



directed the respondent-authorities to file proof as to whether the show cause notice dated 10.09.2022 (Annexure R/C) had been served on the petitioner or not. Accordingly, the respondents authorities were directed to file a supplementary counter affidavit bringing on record the proof of service of the show cause notice but the same has not been done till date.

5. Having regard to the same, the impugned order dated 09.12.2022 passed by the Respondent No. 2, i.e., the District Magistrate -Cum-Collector, Munger is set aside. The matter is remanded back to the District Magistrate-Cum-Collector, Munger (Respondent No. 2) for issuing a fresh show cause notice to the petitioner. The fresh show cause notice shall contain the proposed action to be taken against the petitioner and shall also enclose a copy of the report, if any, relied upon by the authority and call for his explanation by giving sufficient time, preferably ten days. On receipt of the explanation submitted by the petitioner, the authority shall pass a reasoned orders on merits duly taking into consideration the explanation submitted by the petitioner.

6. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as



possible preferably within a period of 8 weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the petitioner.

7. It is made clear that this Court has not gone into the merits of the case and leaving all questions and issues to be decided by the authorities.

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

(A. Abhishek Reddy , J)

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