

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13865 of 2025

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Md. Quaisar Khalid, S/o Md. Nasim Uddin, Resident of Madanpur Chand Bhag, Ward No. 02, P.S.- Araria Town, District- Araria, Proprietor of M/s Kisan Fertilizer and Trading, Madanpur, Block- Araria, District- Araria.

... .. 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.
4. The District Agriculture Officer, Araria.
5. The Block Agriculture Officer, Araria, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr.Dhananjaya Nath Tiwari, Adv. Mr. Kumar Rajdfeep, Adv.
For the Respondent/s	:	Mr. S. K. Mandal, Standing Counsel (3) Ms. Bittu Kumari, AC to Sc 3

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

7 24-04-2026 Heard learned counsel for the parties.

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

*“..... for quashing the order
contained in Memo No. 1834 dated
09.06.2025 passed by the District
Agriculture Officer, Araria by which the
retail license of the petitioner being
License No. 14A/2020-2021 issued
under the provisions of the Fertilizer*



Control Order, 1985 has been cancelled and further be pleased to restore the license of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that the license of the petitioner was cancelled by the authority vide Memo No. 1834 dated 09.06.2025 (Annexure P/4) solely on the ground that the petitioner has not been running the PDS shop for the last three years. Learned counsel submits that the petitioner was issued the license on 23.09.2020 and the same was subsisting till September, 2025 (Annexure P/1). However, the authority even before the expiry of the said term has issued the show cause notice to the petitioner on 24.04.2025 (Annexure P/2), to which the petitioner had filed a suitable explanation. However, without considering the explanation, the authority has cancelled the license of the petitioner. Counsel submits that the authority does not have the power or jurisdiction to cancel the license if the shop of the petitioner is closed. That under the provision of the Control Order, the authority can only decline to renew the license of the petitioner if the shop is not running for the last one year. However in this case even before the expiry of the license period, the same was cancelled on a non existence ground vide order dated 09.06.2025. That the petitioner was



running the PDS shop from the month of July, 2025. However, the same was not taken into consideration by the authority concerned. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order and direct the authorities to consider the application made by the petitioner for renewing his license.

4. Per contra, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the writ petition. Learned counsel has stated that though the petitioner was granted a licence on 23.09.2020, he has not operated the shop at any pointy of time and therefore the very purpose and intent of the Fertilizer Control Order, 1985 is being defeated. Learned counsel submits that the authority duly taking into consideration the various fertilizers requirements of the farmers in the area allots the fertilizer license and in case the shop is closed the farmers who are dependent on the fertilizers are severely getting effected and the very purpose of issuing the license gets defected. Learned counsel submits that as per Clause 11 of the Fertilizer Control Order, 1985, the authorities have the power to cancel the license of the petitioner in case the shop is closed for substantial time. Further it is stated that the petitioner himself has admitted that



he was not running the shop for the last more than three years and therefore the order passed by the authority is in consonance with the provisions of the Fertilizer Control Order, 1985. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

5. In order to appreciate the issue involve in the present writ petition, it is necessary to extract the relevant portion of Fertilizer Control Order, 1985, more particularly, Section 11 which reads as under:-

“11. Renewal of certificates of registration and authorization letters

(1) Every holder of a certificate of registration granted under clause 9 or authorization letter granted or deemed to have been granted under clause 8, desiring to renew such certificate or authorization letter shall, before the date of expiry of such certificate of registration or authorization letter, as the case may be, make an application for renewal to the Controller, in Form C, or to the Notified Authority in Form A1, respectively, in duplicate, together with the fee prescribed under clause 36 for such renewal and a certificate of source as required under clause 8.

(2) On receipt of an application under sub-clause (1), together with such fee and certificate of source, the controller may renew the certificate of registration or the 9 Notified Authority, as the case may be shall issue acknowledgement receipt of



renewal in form A 2. Provided that a certificate of registration shall not be renewed if the holder of the same did not sell any fertiliser during the period of one year immediately preceding the date of expiry of the period of validity.

(3) If any application for renewal is not made before the expiry of the period of validity of the certificate of registration or, as the case may be, the authorization letter but is made within one month from the date of such expiry, the certificate of registration or, as the case may be, the authorization letter shall be dealt as provided in sub-clause (2) on payment of such additional fee as may be prescribed under clause 36 in addition to the fee for renewal.

(4) Where the application for renewal of certificate of registration is made within the time specified in subclause (1) or sub-clause (3), the applicant shall be deemed to have held a valid certificate of registration until such date as the controller passes orders on the application for renewal.

(5) If an application for renewal of a certificate of registration or authorization letter is not made within one month from the date of expiry of their period of validity ,the same shall be deemed to have lapsed on the date on which its validity expired and any business carried on after that date shall be deemed to have been carried on in contravention of clause 7.”

6. A perusal of the above provision makes it



abundantly clear that the authorities can refuse to renew the license of any fertilizer shop owner if he is not running the shop for the last one year prior to the date of seeking renewal. However in this case, the authority has cancelled the license on the premise that the petitioner has not been running the shop for the last more than three years vider order dated 09.06.2025. Admittedly in this case, the license of the petitioner was going to expire on 22.09.2025 but even before the petitioner could make his application seeking renewal the authority has cancelled the license of the petitioner. This Court in CWJC No. 1815 of 1969 report in 1971 PLJR 624 has held as under:-

“6. Clause 7 of the Licensing Order authorises the licensing authority to cancel the licence if the holder of the licence or his agent or servant or any other person acting on his behalf contra-venes any of the terms and conditions of the licence and on no other ground. Even assuming that the petitioner was not carrying off any business which the petitioner has tried to explain by stating that it was not able to carry on business because of certain export restrictions put under the law. The licence could not be cancelled on that account. It was not a term or condition of the licence that the licensee must carry on the wholesale business. It may well be that, under



Clause 6 of the Licensing Order, on that ground the renewal of the licence could be refused but cancellation could not be made on that ground. It was not within the power of the licensing authority to cancel a foodgrain licence on the ground that the licensee, during the period for which the licence has been granted, does not carry on the business.”

7. Admittedly in the present case also, there is no provision under the Fertilizer Control Order, 1985 for cancelling the license of any fertilizer shop owner in case the shop is closed or not being run, irrespective of the said period. The authorities can only decline to renew the license if the shop is closed for a period of 1 year prior to the date of renewal of his license.

8. Having regard to the above mentioned facts and circumstances, the impugned order of cancellation dated 09.06.2025 passed by the District Agriculture Officer, Araria is set aside. In case the petitioner makes any application seeking renewal of the license, the authority shall consider the same on its own merits and pass necessary orders. The authority shall do the needful as expeditiously as possible preferably within a period of 4 weeks from the date of receipt of the application for



renewal of license by the petitioner.

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

(A. Abhishek Reddy , J)

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