

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18411 of 2025

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M/s Bharat Khad Beej Bhandar, Jokihat, Araria, through its proprietor Afjal Husain, aged about 59 years (Male), S/o Dost Mohammad, Resident of Village-Sisauna, Ward No. 10, P.S.-Jokihat, 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 Agriculture Coordinator cum-Fertilizer Inspector, Jokihat, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondent/s : Mr. Government Advocate (02) with
Mr. Akhileshwar Singh, AC to GA 2.

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

5 28-04-2026 Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“....for issuance of the writ in the nature of certiorari for quashing the order contained in Memo No. 232 dated 24.01.2025 passed by the District Agriculture Officer, Araria by which the retail license of the petitioner being License No. 73/2011-12 renewal No. 03/2020-21 issued under the provisions of the Fertilizer Control Order, 1985 has been cancelled even without show cause



reply of the petitioner and that too on the basis of FIR being Jokihat P.S. Case No. 13/2020 and further for quashing the appellate order contained in Memo No. 432 dated 27.09.2025 passed by the Joint Director Agriculture, Purnea by which he was pleased to dismiss the statutory appeal being Appeal No. 15/2024-25 filed on behalf of the petitioner without appreciating the points raised on behalf of the petitioner and further be pleased to restore the license of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been granted the fertilizer license by the respondent-authority and he has been conducting his business since 2011-12. Learned counsel submits that the authority based on an inspection dated 14.01.2025 has issued a show-cause notice to the petitioner on 16.01.2025. In the said show-cause notice, the petitioner was directed to file his explanation by 23.01.2025. Learned counsel for the petitioner submits that the petitioner's brother died on 14.01.2025 and therefore, the petitioner could not file his explanation to the said show-cause notice dated 16.01.2025. That the authority on 24.01.2025 has passed the impugned order of cancellation of the license issued to the petitioner. Though the petitioner has preferred an appeal before the statutory authority, the same was also dismissed confirming the orders passed by the District Agriculture Officer, Araria. Learned counsel submits that a



perusal of the show-cause notice issued to the petitioner would reveal that the District Agriculture Officer, Araria had called for a report from the Block Agriculture Officer but the said report was not made available to the petitioner. 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.*). 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 but the impugned order of cancellation is passed solely on the ground that the petitioner had not filed his explanation to the show-cause notice. Learned counsel, therefore, prays this Hon'ble Court to set aside the impugned order dated 27.09.2025 passed by the appellate authority and the order dated 24.01.2025 passed by the District Agriculture Officer, Araria 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 counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner was granted ample opportunity to file



his explanation to the show-cause notice. However, the petitioner did not file the same, further it is submitted that the procedure contemplated under the Act has been followed scrupulously by the authority and, thereafter, the impugned order of cancellation was passed. That the appellate authority also did not find any merit in the appeal and the appeal was accordingly dismissed. Learned counsel has, therefore, has prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, in the present case, the show-cause notice was issued on 16.01.2025 and the time granted to the petitioner to file his explanation was till 23.01.2025. That immediately on the very next day the impugned order of cancellation was passed on 24.01.2025. In the writ petition filed by the petitioner, a specific stand has been taken by the petitioner at Para-11 that on 14.01.2025, the brother of the petitioner, namely, Akhtar Husain had died due to Heart Attack, that the petitioner became very disturbed and therefore, could not file his explanation, the said averment has not been denied in the counter-affidavit. Further, it is to be noted that the enquiry report called for from the Block Agriculture Officer has also not been supplied to the petitioner. Irrespective of the fact as to whether the petitioner has filed his explanation or not the



authority ought to had passed the order on merits instead of passing the orders of cancellation on the ground that the petitioner did not file his explanation. A Division Bench of this Hon'ble Court in LPA 861 of 2004 dated 06.09.2004 under similar circumstances has held that even if the license holder does not file any explanation to the show-cause notice, the authority concerned are legally bound to the pass orders on merits.

6. Having regard to the same, the impugned orders dated 24.01.2025 passed by the District Agriculture Officer, Araria and the order dated 27.09.2025 passed by the appellate authority are both set aside. The matter is remanded back to the District Agriculture Officer, Araria for passing orders afresh. The authority before passing any order, shall grant an opportunity to the petitioner for filing his explanation. Thereafter, the authority shall pass a reasoned order duly taking into consideration the explanation submitted by the petitioner. In case, the petitioner does not file his explanation within the stipulated time, the authority is free to pass necessary orders on merits in accordance with law. The entire exercise is to be completed as expeditiously as possible preferably within a period of 12 weeks from the date of the 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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