



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30389 of 2026

Marihan Agro Farmer Producer Company Limited

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajai Kumar Srivastava, Juhi Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE INDRAJEET SHUKLA, J.

Personal affidavit of the District Magistrate filed today is taken on record.

The District Magistrate, Mirzapur in paragraph nos.12, 13, 14 & 15 of his personal affidavit has averred:

"12. That further directions dated 23.07.2026 were Government level to ensure timely and uninterrupted availability of fertilizer s to farmers according to their agricultural requirements. The said directions provide for district-level arrangements for advance stocking, availability, distribution and review of fertilizer stocks. They also provide for a committee under the chairmanship of the District Magistrate to ensure smooth availability of fertilizer s within the district. A true copy of the aforesaid communication dated 23.07.2026 is being filed herewith and marked as ANNEXURE NO. PA-4 to this affidavit.

13. That the aforesaid administrative directions are being referred to for explaining the administrative and coordinating mechanism at the district level regarding availability and distribution of fertilizer s. The deponent does not claim that these administrative directions, by themselves, confer upon the District Magistrate the statutory powers given to a Fertilizer Inspector under the Fertilizer (Control) Order, 1985.

14. That applications and representations relating to public grievances are also received in the office of the District Magistrate through Jan-Sunwai, post and other recognised modes. The State Government has provided an administrative mechanism for registration of such representations and for forwarding them to the concerned department or officer for appropriate consideration and disposal.

15. That in the present case, the petitioner submitted an application dated 04.05.2026 regarding availability/supply of fertilizer. Since the subject matter related to fertilizer and concerned the Agriculture Department, the said application was marked/forwarded to the Deputy Director of Agriculture, Mirzapur with an endorsement to take necessary action."

We notice that the District Magistrate, Mirzapur is well aware of the fact that he has not been vested with any power under the Fertilizer Control Order to act as supervising authority for the distribution of fertilizers; particularly, with authority to direct Deputy Director, Agriculture in the matter.

However, he points out that there are administrative directions issued from time to time granting him those powers issued by Principal Secretary, Agriculture. He has been made the Chairman of a Committee comprising of other officers as well to ensure smooth availability of fertilizers within the district.

From a perusal of the Government Orders dated 10.03.2026 and 23.07.2026 issued by the Principal Secretary to the District Magistrates, the Director of Agriculture and in one case to the Divisional Commissioners we find that for one, these are not Government Orders properly so called. These have not been made in the exercise of any statutory power vested in the Secretary, even on behalf of the Government, to issue such directions under the Fertilizers Control Order. Therefore, these directions carried in the communications of the Secretary dated 10.03.2026 and 23.07.2026, *prima facie* are fit to be ignored.

Now the question arises that if there is any anomaly in the distribution of the fertilizers in the district, how is it to be rectified. It is true that by habit citizens which include farmers go on petitioning the District Magistrate about their grievances which may be quite unrelated to his office. The District Magistrate has averred that confronted with a situation like this, he forwards the representation to the officer concerned in the related department. In our opinion a practice has to be adopted that would in course of time educate the public as well. The better course, therefore, would be to direct the return of such representations/complaints related to other departments to the applicant with an endorsement that he/she should present it to the appropriate officers rather than forwarding it to the concerned department or officer. The forwarding of a complaint by the District

Magistrate to the concerned department partakes of the flavor of some kind of supervision exercised by the District Magistrate which would not be there if the complaint is directed to be returned.

Coming to the facts of the present case, the grievance of the petitioner is that he made an application to the Deputy Director Agriculture, Mirzapur vide order dated 11.05.2026 seeking directions for the issue of 100 tonnes of Diammonium Phosphate (DAP), a fertilizer but against his demand raised for 100 tonnes, the petitioner was supplied 45 tonnes alone. The petitioner says that this was required during the *Khareef* season and he stands to immensely loose, on the prospects of his produce because of short supply of fertilizers.

A prima facie case is made out.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1 to 5 is accepted by Mr. Kartikey Saran, learned Additional Advocate General assisted by Mr. Girijesh Kumar Tripathi, learned Additional Chief Standing Counsel.

Steps to serve respondent no.6 shall be taken by R.P.A.D. within three working days.

All respondents are granted two weeks' time to file counter affidavit.

List for orders on 01.09.2026.

Order on Civil Misc. Stay Application No.1 of 2026

Issue notice.

Let an interim mandamus issue to the Deputy Director of Agriculture, Mirzapur and the District Agriculture Officer, Mirzapur to ensure supply of 100 tonnes of DAP (fertilizers) (adjusting any shorter quantity of fertilizers already supplied) according to demand raised by the petitioner or show cause by filing an affidavit.

Registrar (Compliance) is directed to communicate this order to the District Magistrate, Mirzapur, Deputy Director of Agriculture, Mirzapur and the District Agriculture Officer, Mirzapur through Chief Judicial Magistrate,

Mirzapur **within 48 hours.**

August 17, 2026

Mohit

(Indrajeet Shukla,J.) (J.J. Munir,J.)