

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 18941 of 2015

DATED 26TH JUNE, 2015

BETWEEN

M/s. Sri Sai Ram Traders,
Rep. by its Managing Partner E.Babaiah
Mahaboobnagar District and anr.

....Petitioners

And

The State of Telangana,
Rep. by its Principal Secretary (Food & Agriculture Dept)
Secretariat, Hyderabad and ors.

...Respondents.

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ORDER:

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Heard learned Counsel for the petitioners and learned
Government Pleader for the respondents.

The first petitioner herein is a partnership firm whereas
the second petitioner is its Managing Partner. The petitioners
are engaged in the business of selling seeds, fertilizers and
pesticides. The license issued to them by the authorities is valid
till 5.3.2017. While so, on 9.6.2015 respondents 4 to 6 inspected
the premises of the first petitioner and a panchanama was

conducted by seizing the stock on the ground that the stock registers are not maintained, Certificate of source issued by the seeds company was not made available and there is some variation in the stock. Challenging the said panchanama, the present Writ Petition is filed.

The learned Counsel for the petitioners submits that the second respondent earlier issued a circular memo on 28.01.1997 with regard to the action to be taken for not maintaining the records etc.. The relevant portion of the said circular reads as follows:

“6. In case of violations such as maintenance of records, not updating the registers, minor discrepancies in stocks etc., which are rectifiable, instead of seizing the stocks, show cause notices could be issued and action taken for suspending/cancellations of seed licences if the seed dealer has violated any provisions in the Seed Act, 1966/Seed Rules, 1968/Seed (Control) Order, 1983”.

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This was followed by another circular dated 8.6.2007 clearly distinguishing the irregularities into two categories :--(1) rectifiable contraventions, and (2) non-rectifiable contraventions. With regard to rectifiable contraventions, it was indicated therein that issuance of notice is sufficient, whereas in respect of the non-rectifiable contraventions, seizure should be effected. With regard to non production of certificate of source and stocking of seeds, it was clarified that detention is the applicable action. Now, the learned Counsel for the petitioners submits that though the certificates were available and produced before the authorities who inspected the business

premises, they did not take into consideration and that the copies of the same are made available in the Writ Petition as material papers.

In the circumstances, it is for the competent authority, i.e. third respondent herein, to verify the genuineness and availability of certificates, violations of which, drastic action of detention is said to be the applicable action.

In view thereof, this Writ Petition is disposed of giving liberty to the petitioners to submit explanation with regard to the action of respondents 4 to 6 on indication of contraventions and the evidence available with the petitioners so as to enable the third respondent to pass appropriate orders for release of the detained stock. The third respondent shall consider the representation of the petitioners and pass appropriate orders thereon within a period of one week from the date of receipt of the explanation from the petitioners in view of the urgency involved in the matter.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 26TH JUNE, 2015.
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