

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.31600 OF 2011

DATED:15-7-2015

Between:

M/s. United Phosphorus Limited
D.No.7-1-19/5, Flat No.102
Vamshiram's Jyothi Bhopal Apartment
Opp. Country Club, Begumpet
Hyderabad
Rep. by its Deputy General Manager
Mr. C. Sreenivasa Reddy
and another

... Petitioners

And

The Commissioner and Director of
Agriculture
Andhra Pradesh, Gunfoundary
Hyderabad

... Respondent

... Respondents

COUNSEL FOR THE PETITIONER: Mr. P. Mohith Reddy, for
Mr. S. Niranjan Reddy

COUNSEL FOR THE RESPONDENTS:A.G.P. for Agriculture (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

This writ petition is filed for a mandamus to set aside proceedings in Endt. No.PP.II(2) 375/2011, dt.4.11.2011, of the respondent whereby he has directed deletion of the product 'Monocrotophos 36% SL' from the dealer's licence as per Section 14 of the Insecticides Act, 1968.

The undisputed facts are that the above mentioned product produced by petitioner No.1 and sold by petitioner No.2 as a dealer was allegedly found to contain 30.97% active ingredient. Consequently, the respondent has issued a show cause notice to petitioner No.1 on 21.9.2011 to explain as to why the above-mentioned product, which was allegedly misbranded, should not be prohibited from being stocked/stored, sold and distributed in entire State of Andhra Pradesh. The petitioner has submitted an explanation on 29.9.2011 to the said show cause notice. However, without passing any order thereon, the respondent has issued the impugned endorsement wherein he has instructed all the Joint Directors of Agriculture, to delete the said product from the dealer's licence. Assailing this endorsement, the petitioners filed this writ petition.

This Court by order dt.21.12.2011 granted interim direction to the effect that the respondent shall not interfere with the petitioners' conduct of business insofar as 'Monocrotophos 36% SL' product is concerned.

Since the show cause notice itself was issued in respect of a particular batch and in pursuance of the interim order granted by this Court, the said batch itself would have been sold and consequently the cause with which the writ petition was filed ceased to be in force. If, for any reason, the issue is still alive, in my opinion, the respondent

cannot interfere with the petitioners' right to deal with the product unless a final order is passed in pursuance of the show cause notice dt.21.9.2011.

Learned Government Pleader for Agriculture (TS) submitted that no such final order has been passed so far.

In the above facts and circumstances of the case, if the respondent thinks that further action needs to be taken in the case, he shall pass an appropriate order, on the show cause notice dt.21.9.2011 upon considering the explanation submitted by petitioner No.1, and communicate the same to it. Till this process is completed, the respondent shall not interfere with the right of the petitioners to deal with Monocrotophos 36% SL, so long as their licence continues to cover the said product.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.39212 of 2011 and W.V.M.P. No.2640 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

15-7-2015

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