

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.35186 of 2016

ORDER:

Heard Mr.I.Koti Reddy for petitioner and Government Pleader for Agriculture.

The issue arises under the Seeds Act, 1966. The petitioner challenges Order dated 10.10.2016 cancelling licence No.61/2010-11 under Clause 15 of Seed Control Order, 1983.

The case of petitioner is that a notice was issued on 05.10.2016 to him and he gave explanation on 07.10.2016. Order dated 10.10.2016 was passed cancelling the licence of petitioner without conducting enquiry. The principal objection against the order impugned in the writ petition is that without conducting enquiry, a decision to cancel the licence is taken and *ex post facto* all blanks have been filled up and order of cancelling the licence was issued and served on the petitioner. Memos/orders issued by the same officer were subject matter of challenge in W.P.Nos.35370, 35432 and 35447 of 2016. On the ground that the Memos therein were not speaking orders, the writ petitions were allowed, matter remitted to Joint Director, Agriculture. The order impugned is set aside, matter remitted to Joint Director, Agriculture for fresh disposal within one week from today after considering the explanation given by the petitioner. Having regard to the nature of allegations made against the petitioner, to prevent abuse of licence, during and in the course of enquiry, the petitioner is explicitly directed to sell licenced and standard seeds to farmers.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S. V. BHATT, J

Date:04.11.2016
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