

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE TWELVETH DAY OF SEPTEMBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 30734 OF 2016

Between:

M/s. Seedsmen Association
Babukhan Estate, Basheerbaugh
Hyderabad,
Rep. by its Executive Director
Mr.S. Jagadeshwar Reddy & Anr. Petitioners

V/s.

Union of India
Ministry of Agriculture & Farmers Welfare
Department of Agriculture & Co-operation
NASC Complex, DPS Marg
Opposite Todapur, New Delhi
Rep. by its Secretary & Anr. ... Respondents

Counsel for the Petitioners: Sri Rubaina S. Khatoon

Counsel for the Respondents: Sri B.Narayana Reddy
Asst. Solicitor General

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 30734 OF 2016

O R D E R :

Vide the present writ petition, petitioners seek mandamus, declaring the action of Respondent No.2 in insisting upon submission of 'No Objection Certificate' from technology providers as a part of application for registration of plant varieties including transgenic varieties under the Protection of Plant Varieties and Farmers Rights Act, 2001 as unlawful, unconstitutional and contrary to the provisions of the Protection of Plant Varieties and Farmers Rights Act, 2001 and consequently to set aside the Public Notice dated 01/9/2015 and Minutes of the Meeting of the Respondent No.2 dated 14/8/2015 as well as the communication addressed to the members of the first petitioner calling for 'No Objection Certificate' from technology providers dated 25/3/2014 and 05/6/2014 as unlawful, unconstitutional and contrary to the provisions of the Protection of Plant Varieties and Farmers Rights Act, 2001 and to direct the respondent No.2 to cause registration of the plant varieties as envisaged under the protection of Plant Varieties and Farmers Rights Act, 2001 without insisting upon 'No Objection Certificate' from technology providers and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Learned Counsel appearing on behalf of the petitioners submit that for the aforesaid relief the petitioners have filed so many applications/representations and the last one is on 29/8/2016.

However, till date the petitioners have not received any communication from the respondents.

3. Keeping in view the averments made in the affidavit filed in support of the petition and submission of the learned counsel for the petitioners, I hereby direct the respondent No.2 to decide the application of the petitioner dated 29/8/2016 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4. In view of the above direction, the writ petition is disposed of at the stage of admission. No costs. It is needless to state that if the petitioners are aggrieved with the orders passed by the respondent No.2, the petitioners may challenge the same before appropriate forum available under law.

5. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

12/09/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 30734 OF 2016



Date: 12/09/2016
Circulation No.
Court Master: I s L