

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION Nos.35370, 35432 and 35447 of 2016

COMMON ORDER:

Heard Mr.Vedula Sinivas for petitioners and Government Pleader for Agriculture and Co-operation for respondents.

At request of respondents, the writ petitions were adjourned on 20-10-2016 to today.

As directed by this Court, the District Agriculture Officer is present with the record. I have taken note of submissions of Si Vedula Sinivas for petitioners and also the submissions made by Government Pleader from the record.

Learned Government Pleader admits to the extent that Memo dated 15-10-2016 does not contain reasons and the Department has enough reasons and material in support of Memo challenged in the writ petitions. The complaint of writ petitioners is that undisclosed and uninformed material cannot and could not be relied upon by 3<sup>rd</sup> respondent to sustain Memo dated 15-10-2016. The jurisdiction either to sustain or cancel Memo is not raised in the instant writ petitions.

Having regard to the admission of Government Pleader that Memo dated 15-10-2016 is a non-speaking order, I am satisfied that without expressing any view on the merits, the writ petitions can be disposed of by this order.

(a) Memo dated 15-10-2016 shall be treated as suspension pending enquiry into the

charges noticed in the show-cause notice dated 30-09-2016.

(b) The 3<sup>rd</sup> respondent is directed to send by e-mail to petitioners the entire material on which the 3<sup>rd</sup> respondent is relying upon by today evening.

(c) The petitioners are given three days time to submit further explanation, if so advised.

(d) The 3<sup>rd</sup> respondent conducts enquiry into the show-cause notice on 27-10-2016 and passes appropriate orders positively, after taking note of all legal and factual objections, on or before 28-10-2016.

The writ petitions are disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 24-10-2016  
Prv

S.V.BHATT, J

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Dated 24-10-2016

Prv