

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.36539 OF 2016

ORDER:

Heard Mr.SNiranjan Reddy, learned senior counsel for petitioners and the learned Government Pleader (Agricultural Market Committee) for respondents.

The petitioners pray for the following relief:

“...Mandamus declaring the action of the respondents in interfering with the conduct of business of bio-products by the petitioners and their members even without issuing any legal proceedings to the said effect through their subordinates and officers as illegal, arbitrary, unconstitutional and opposed to the principles of natural justice, violative of rule of law and the judgment of this Hon'ble Court in W.P. No. 25293 of 2014 and batch and set aside all such actions and further declare that the respondents are restrained from interfering with the conduct of such business of petitioners in bio-products through their dealers/stockists except under the relevant provisions of Insecticides Act, 1968 and/or Fertilizer (Control) Order in terms of this Hon'ble Court's judgment in W.P. 25293 of 2014...”

For the purpose of either to show to the Court or satisfy, the petitioners are compelled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, for the prayer stated supra, the petitioners rely upon paragraph 9 of the writ affidavit which reads as follows:

“While so, without any such procedure in law being followed and on account of wholly irrational and extraneous factors that seed varieties supplied by certain

other agencies had resulted in crop failure and to show that the State was acting with committed zeal to protect interests of farmers, various Agricultural Officers functioning under authority and aegis of the 2nd respondent have been threatening the various dealers and distributors of the petitioner companies from dealing with the bio-products of the petitioners. Such dealers are being directed not to exhibit, stock or sell the Bio products dealt with by the petitioner and they have been encouraged/directed to return the Bio products, which are being distributed and marketed by the petitioner companies. The 2nd respondent is further insisting on letters from the dealers, by making them agreeing not to exhibit, stock or sell the bio-products of the petitioner companies failing which the other pesticide and fertilizer licenses will be cancelled. This is being done in respect of all bio-products in the market on a general unilateral assumption of such products not being conducive for crops."

(Emphasis added)

At request of respondents, the writ petition was adjourned on 27.10.2016 and 07.11.2016 finally to today. The respondents place on record written instructions and also supporting annexures to show that against a few specific products/companies show cause notices are issued, action being pursued, individually examined and final decision taken to its logistical end. As regards the allegations in paragraph 9 of the affidavit, learned Government Pleader submits that the stand in paragraph 9 is more in the nature of omnibus allegations and as matter of fact, the respondents are not instructing the dealers as apprehended by the petitioners. But, at the same time, the respondents are acting strictly within the four corners of law and no exception can be taken to the action taken

within the four corners of law. He prays for dismissing the writ petition.

Mr.SNiranjan Reddy requests the Court to place the statement of respondents on record and close the writ petition as no relief is needed in the writ petition filed by all the petitioners. If a petitioner is individually aggrieved by the action of respondents, the relief may be left open to such petitioner for working out the grievance within the four corners of law. The statements of counsel are placed on record and the writ petition is closed.

Miscellaneous petitions pending if any shall stand closed.

Date:11.11.2016
Sp



S. V. BHATT, J