

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.37896 of 2016

ORDER:

Heard Mr.V.Sinivas for petitioner and Government Pleader for Agriculture.

The issue arises under the Seeds Act, 1966. The petitioner challenges Memo dated 15.10.2016 cancelling licence No.77/2011 under Clause 15 of Seed Control Order, 1983. The reasons for setting aside the Memo impugned are better appreciated by chronologically adverting to dates and events stated in this behalf.

The case of petitioner is that show cause notice dated 30.09.2016 was served on 19.10.2016. The petitioner within the time granted, submitted explanation to show cause notice dated 30.09.2016. Memo dated 15.10.2016 is issued cancelling the licence of petitioner. The principal objection against the Memo impugned in the writ petition is that even before the show cause notice is served on the petitioner, a decision to cancel the licence is taken. *Ex post facto* all blanks have been filled up, order cancelling the licence is issued and served on the petitioner. Memos 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. It is further contended that on the ground of arbitrary exercise of power the Memo is liable to

be set aside and charges are decided strictly in accordance with law and facts. The Government Pleader accepts the infirmity in the order. Hence, the Memo 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 levelled against the petitioner, to prevent abuse of licence, during and in the course of enquiry, the petitioner sells/licenced and certified/standard seeds to farmers.

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

Miscellaneous petitions pending if any shall stand closed.

Date: 04.11.2016
Sp



S. V. BHATT, J

