

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.41236 of 2016

ORDER:

The petitioner challenges proceedings No.Plg.V/1064/2016 dated 13.10.2016.

After perusing the writ affidavit and the material available on record, this court is of the view that the petitioner has to prefer an appeal before the 2nd respondent challenging the proceedings dated 13.10.2016 and the 2nd respondent is required to examine the appeal both on question of law, fact and technical issues involved in the matter, as the licence of petitioner for all the seeds is cancelled and the cancellation is in operation for the past two months. To meet the ends of justice and also to enable the 2nd respondent to consider the appeal filed, as noted above, the writ petition is disposed of by this order.

Learned Government Pleader consents to the disposal of the writ petition.

The petitioner is given liberty to file an appeal before the 2nd respondent within one week from today. On filing appeal, the 2nd respondent shall consider and dispose of the appeal within two months from the date of filing appeal, afford opportunity to petitioner, refer to each one of the objections in the appeal and by recording reasons, a final decision is taken. Normally, this Court while directing the appellate authority to consider the appeal on

merits, does not refer to the mode and manner in which the appeal is required to be disposed of, but the experience of this Court with the exercise of jurisdiction by the authorities under Seeds Act is not assuring. Hence, the directions are issued.

The following interim arrangement shall be in operation pending appeal.

(a) The petitioner is directed to file an undertaking that he will not deal with the sale or distribution of seeds not identifiable and also place the details of all the variety of seeds, the petitioner is dealing at present, with the 3rd respondent.

b) The 3rd respondent is directed to collect the samples of the seeds dealt with by petitioner, send the same for scientific and technical examination.

c) The petitioner shall not deal with Hybrid JCH-802 (Jeeva seeds) seed.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 05-12-2016
Prv

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