

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN

&

THE HON'BLE SMT JUSTICE T. RAJANI

WRIT PETITION No.18171 of 2017

ORDER: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The proceedings under challenge, in this writ petition, is the order of the Chairman, District Level Compensation Committee and District Collector, Krishna dated 01.05.2017 awarding compensation of Rs.36,05,490/-, and in directing the petitioners to pay the said sum for supplying defective seeds to farmers over an extent of 27.90 acres of land. This order, the petitioners claim, is in violation of principles of natural justice.

The petitioners complaint is that, while the District Level Committee had, no doubt, put the petitioners on notice regarding one of the meetings, a copy of the inspection report, based on which the petitioners were called upon to pay compensation, was not furnished to them; they were not afforded an oral hearing to enable them to show that, except for two farmers, none of the other farmers in the list had even purchased seeds from them; the seeds supplied by them were not defective; the compensation awarded to the farmers included the cost of harvesting for Rs.25,000/- and post-harvest charges of Rs.5,000/-; and if, as held by the district level committee, the seeds supplied by the petitioners were defective, no crop would have been raised, much less harvested thereafter.

When the learned Government Pleader for Agriculture sought time to file a counter affidavit it was submitted, by the learned Senior Counsel for the petitioners, that the petitioners were under the imminent threat of arrest as the district level committee had also

directed criminal cases to be filed against them; a criminal case has been registered against the petitioners; and, therefore, an interim order of stay should be granted. The learned Government Pleader fairly stated that, instead of keeping the writ petition pending on the file of this Court and granting interim stay of the order, it would suffice if the district level committee is permitted to pass a fresh order, after complying with principles of natural justice.

In the light of the aforesaid submissions of the learned Government Pleader and as we are satisfied that failure, on the part of the district level committee, to furnish a copy of the inspection report and to provide the petitioners an opportunity of hearing, is in violation of principles of natural justice, the impugned order is set aside. Needless to state that this order shall not preclude the district level committee from complying with principles of natural justice and, thereafter, passing an order afresh in accordance with law. As the impugned order itself is being set aside on the ground of violation of principles of natural justice, it is unnecessary to examine the other contentions urged by the learned Senior Counsel for the petitioners.

The writ petition is, accordingly, disposed of. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J