

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.16250 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“To issue appropriate Writ, Order of direction particularly one in the nature of Writ of Mandamus in delcaring the action of the 3rd respondent in issuing orders vide proceedings No.5RC(2)74/2016, dated 05.10.2016 suspending the seed license No.423 valid up to 29.05.2018 of petitioner company indefinitely without waiting for explanation period and not considering the explanation dated 06.10.2016 submitted by the petitioner and continuing the same in spite of favourable report dated 26.11.2016 given by the Committee constituted for this purpose as bad, illegal, arbitrary, void and against to the principles of Natural Justice and set aside the same in the interest of justice.”

2. Heard Sri K.Chidambaram, learned counsel for the petitioner and the learned Government Pleader for Agriculture for the respondents.

3. The Additional Director of Agriculture (Seeds) and Licensing Authority, Office of the D.A., Andhra Pradesh, Guntur vide proceedings No.SRC(2)74/2016, dated 05.10.29016, suspended the seed license of the petitioner herein. As against the said order of suspension passed by the third respondent, petitioner herein filed an appeal on 18.10.2016 under Clause 16 of Seed Control Order, 1983.

4. In the present writ petition, learned counsel for the petitioner contends that the very suspension order passed by the respondent No.3 is highly illegal, arbitrary and unreasonable and violative of Articles 14 and 19 (1) (g) of the Constitution of India and unwarranted in the facts and circumstances of the case. According to the learned counsel, the impugned

action is also in contravention of the provisions of the Seed Act and Seeds Control Order, 1983.

5. On the other hand, it is submitted by the learned Government Pleader that the present writ petition is not maintainable under Article 226 of the Constitution of India as the appeal filed by the petitioner herein before the second respondent is pending consideration and the petitioner herein has to pursue the said appeal.

6. Having heard the learned counsel for the petitioner herein and the learned Government Pleader, this Court in the facts and circumstances of the case, is of the considered opinion that the ends of justice would be served if the second respondent is directed to dispose of appeal dated 18.10.2016 preferred by the petitioner herein against the orders of the third respondent,

7. Accordingly, the writ petition is disposed of, directing the second respondent to dispose of the appeal dated 18.10.2016 filed by the petitioner herein against the orders of the third respondent in proceedings No.SRC(2)74/2016, dated 05.10.2016, within a period of one month from the date of receipt of a copy of this order, strictly in accordance with law. As a sequel miscellaneous applications pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:28.04.2017
b/o grk

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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