

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

W.P.Nos.1074, 1146, 1150, 1153, 1165,
1176, 1177, 1187 and 1253 of 2017

COMMON ORDER:

Since the petitioners herein share similar grievance, this Court deems it appropriate to dispose of these writ petitions, by way of this common order.

2. Followed by a show-cause notice dated 30.09.2016, issued by the Joint Director of Agriculture, Khamman, proposing to initiate action under the provisions of Seeds Act, 1966 and Seed (Control) Order, 1983 and submission of explanations by the petitioners on 06.10.2016, the District Agricultural Officer, Khammam vide Memo in Proc.No.C5/SR/14/2815/2016, dated 15.10.2016, cancelled the licenses of the petitioners herein.

3. According to the learned counsel for the petitioners, the orders impugned are highly arbitrary and opposed to the very spirit and object of the provisions of Seeds act, 1966 and the Rules framed thereunder and the Seed (Control) Order, 1983. Learned counsel further submits that without adhering to the mandatory requirements of Rule 23-A of the Seeds Rules, 1968, the respondent authorities resorted to the impugned action of cancellation.

4. On the other hand, it is submitted by the learned Government Pleader that the present writ petitions filed under Article 226 of the Constitution of India are not maintainable in view of availability of alternative remedy of appeal under Clause 16 of the Seed (Control) Order, 1983.

5. This Court, while admitting the writ petitions on 06.01.2017, granted interim suspension of the impugned orders. Clause 16 of the Seed (Control) Order, 1983 reads as under:

“16. Appeal.____ Any person aggrieved by an order.____

(a) refusing to grant, amend or renew the licence for sale, export or import of seeds;

(b) suspending or cancelling any licence,

may within sixty days from the date of the order, appeal to such authority as the State Government may specify in this behalf, and the decision of such authority shall be final;

Provided that an application for appeal shall accompany an appeal fee of rupees fifty."

6. In view of the above provision of law which enables the petitioners herein to file appeal before appellate authority, this Court does not propose to go into the merits of the matter and deems it appropriate to relegate the petitioners herein to avail the said remedy of appeal before the appellate authority.

7. For the aforesaid reason, the writ petitions are disposed of, keeping it open for the petitioners herein to avail the remedy of appeal under Clause 16 of the Seed (Control) Order, 1983 against the orders impugned in the present writ petitions, within a period of two weeks from the date of receipt of this order, and if any such appeals are filed, within the time stipulated above, the same be considered and appropriate orders be passed in accordance with law, within a period of two months thereafter, after giving notice and opportunity of hearing to the petitioners herein. Till the said exercise attains finality, the interim order of suspension granted by this Court on 06.01.2017 shall continue to operate. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI , J

Date:10.04.2017
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Dated: 10.04.2017

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