

HON'BLE SRI JUSTICE A.RAJASEKHER REDDY

W.P.No.38554 OF 2017

ORDER

This writ petition is filed for the following prayer:

“...to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the proceedings No.D1/738/2017, dated 11.7.2017 passed by the Respondent No.4 and consequential Appellate Authority proceedings No. in SR cell (2) 449/2017, dt.18.10.2017, in so far as the 1st petitioner is concerned, passed by the 2nd respondent herein, proceedings No.D1/738/2017, dt.11.07.2017 and consequential Appellate Authority proceedings No. in SR cell (2)465/2017, dt.18.10.2017, in so far as the 2nd petitioner is concerned passed by the 2nd respondent and proceedings No.D1/738/2017, dt. 11.7.2017 and consequential Appellate Authority proceedings No.in SR cell (2) 447/Nlg/2017, dt. 18.10.2017 in so far as the 3rd petitioner is concerned, of the 2nd respondent, cancelling the petitioners Seed Licenses and confirmed the orders as illegal, arbitrary and contrary to the Circular instructions issued by the respondents are time to time and also the Seeds Act, 1966 and violative of Articles 14 and 21 of the Constitution of India, and consequently direct the respondents to restore the Seed Licences of the petitioners forthwith and to pass such other order or orders as may deem fit and proper in the circumstances of the case”

All the petitioners are licenced dealers in cotton seeds and are engaged in the business of storing and selling cotton seeds in Nalgonda District. They obtained licences under the Seeds Control Order, 1983, issued by the Government of India under Section 3 of the Essential

Commodities Act, 1955. While so, the Agriculture Officer, Nalgonda and Devarakonda along with Vigilance and Enforcement Department officials inspected the business premises of the petitioners and seized various quantities of cotton seeds on the ground that the packets did not contain information about the cotton seeds in contravention of Section 6 (b) and Section 7 (c) of the Seeds Act, 1966 and Rule 13 of the GEAC Rules. Further, a case was also registered against the petitioners under Section 420 IPC. Thereafter, *vide* proceedings dated 11.7.2017, the 4th respondent-District Agriculture Officer, Nalgonda, cancelled the licences of the petitioners. Aggrieved by the same, the petitioners have preferred appeals before the 2nd respondent-Commissioner & Director of Agriculture, who, in turn, *vide* proceedings dated 18.10.2017, rejected the same. Hence, the present writ petition.

Learned counsel appearing for the petitioners submits that pursuant to the show cause notices issued to the petitioners, they submitted their explanations, but without considering the same, the order impugned was passed by the 4th respondent and the same was confirmed by the 2nd respondent. Learned counsel further submits that the irregularities alleged against the petitioners do not attract cancellation of licence and at the most, penalties can be imposed, but

not cancellation and that aspect was not at all considered by the authorities.

The impugned order dated 11.7.2017, as confirmed by the appellate authority on 18.10.2017, is bereft of any reasons. Both the authorities have not assigned any reasons for cancellation of the licences of the petitioners.

In view of the same, the impugned is set aside to the extent of the 1st petitioner only.

Accordingly, the writ petition is allowed insofar as the 1st petitioner is concerned. Since 2nd and 3rd petitioners do not have any common cause of action in filing the writ petition against cancellation of their licences, the matter is remanded to the 4th respondent for re-considering the issue. The 4th respondent is directed to consider the explanation and afford an opportunity of hearing to the 2nd and 3rd petitioners and pass appropriate orders. It is open for 2nd and 3rd petitioners to challenge the proceedings, if any, issued against them. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAJASEKHER REDDY

27th November, 2017

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