

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.35526 OF 2017

ORDER

The petitioner states that it is a seed company engaged in the business of development, production and marketing of seeds of various crops under licence issued by the 3rd respondent under the provisions of the Seeds Control (Order), 1983 and it is valid up to 18.12.2019. While so, on 3.6.2017, respondents 4 to 6 inspected the premises of the petitioner at Jogulamba, Gadwal, and seized 90 quintals of paddy on the ground that it did not have lot numbers and was not entered in the Basic Register. A complaint was lodged by respondent No.6, which was registered as Cr.No.191 of 2017 on 3.6.2017. On 20.6.2017, the seed squad from the office of the 2nd respondent along with respondents 4 and 6, once again inspected the premises of the petitioner at Jogulamba and seized 12.64 quintals of red gram seeds and 73.15 quintals of remnant cotton seeds on the allegation that they were stored without any entry in the book of record. Further, 845.19 quintals of paddy seeds were also detained on the ground that the stock position was not displayed on the stock board. Pursuant to the same, a show

cause notice dated 21.06.2017 was issued by respondent No.5 with reference to the aforesaid seizure. The petitioner submitted a reply on 8.7.2017 stating that 90 quintals of paddy was not stored for the purpose of processing seed, but it was commercial paddy, intended to be converted into rice to be given for Annadanam to the devotees of Manyamkonda Temple, which he does every year since 2009. He submitted his explanation with regard to the other stock. But, without considering the same, the 3rd respondent issued another show cause notice on 6.7.2017 on the same grounds calling upon the petitioner to explain as to why necessary action should not be taken against the licence issued to him. The petitioner has once again submitted his explanation on 14.7.2017. Thereafter, 3rd respondent passed an order on 20.07.2017 stating as follows:

“Keeping in view of the above reasons, the Seed Licence bearing No.575 valid upto 15.12.2019 of M/s.Sandeep Agri Sciences Pvt.Ltd., Jogulamba Gadwal of District is hereby cancelled with immediate effect under the powers vested with the undersigned under Clause 15 of Seed (Control) Order, 1983”

Aggrieved by the said order, the petitioner preferred an appeal before the 2nd respondent, who, in turn, passed a cryptic order on 12.10.2017 stating as follows:

“In view of keeping of both the appeals and after careful examination and hearing of both the appeals, it is opined that due to malafied intention only the firm has stored the paddy, cotton and redgram seed without entering in the registers.

Hence, the request of the firm M/s.Sandeep Agri Sciences Pvt Ltd., Jogulamba Gadwal District for revoke of his seed license cannot be considered and the Appellate Authority is hereby upheld the orders of State Licensing Authority.”

Since this writ petition was filed on the ground that both the orders passed by respondents 2 and 3 do not disclose the reasons for passing the same, this Court is constrained to set aside the order of the 2nd respondent and remand the matter to the 2nd respondent for consideration of the appeal preferred by the petitioner, in accordance with law, and pass appropriate orders thereon duly giving reasons therefor. Since the petitioner states that 90 bags of paddy is meant for donation to the temple, the petitioner shall be allowed to transfer that seized quantity to the

temple under proper acknowledgment by the temple authorities as the present proceedings relate only to ratification of the licence.

Accordingly, the Writ Petition is allowed to the extent indicated above. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

27th October, 2017
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