

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.46803 of 2016

ORDER:

Heard learned counsel for the petitioner and also the learned Special Government Pleader representing the Office of learned Additional Advocate General on behalf of respondents and perused the prayer in the writ petition with the supporting affidavit and other material on record.

The prayer in the writ petition reads as under:

“To issue any other appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the impugned proceedings in No.SR Cell (2) 1040/2016 dated 07.11.2016 of the 3rd respondent where under the license granted to the petitioner to conduct business in sale of seeds alleging the petitioner has violated the provisions of Section 15 of the Seed (Control) Order 1983 as being illegal, arbitrary and is in violation of Articles 19 & 21 of the Constitution of India and consequently set aside the same, and pass such other order or orders.”

As held by this Court in W.P.No.17559 of 2017 & batch dated 15.06.2017 interpreting Rule 15 of the Seeds Control Order, 1983, and Sections 6 & 7 of the Seeds Act, there is only one final order if at all to suspend for a specific period for violation and there cannot be interim order much less to extend from time to time.

Having regard to the above and in the result, the Writ Petition is disposed of as held in that batch by treating the earlier order itself as final order and same cannot be indefinite by confining to till date and consequently, the order of suspension dated 07.11.2016 is set aside forthwith by restoring the license.

Consequently, miscellaneous petitions, if any, shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.06.2017

Note: Issue C.C. by 23.06.2017

(B/o)

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