

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.34948 AND 37976 OF 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they challenge the proceedings of even Number dated Nil, May, 2017 passed by the third respondent and confirmed by the second respondent in August, 2017. The petitioners are stated to be running Nurseries in Krishna District. They were served with copies of the notices dated 17.04.2017 and 25.04.2017 indicating that the Meeting of the District Level Committee constituted under G.O.Rt.No.1117, dated 01.09.2017 would be held for redressal of farmers' complaints relating to the inferior quality chilly seeds. Accordingly, the petitioners appeared before the District Level Committee, but the District Level Committee without affording opportunity of hearing, passed the order on 28.04.2017 imposing penalty of Rs.1,26,12,580/- and Rs.87,26,490/- respectively against the petitioners to be payable to the farmers. The said order was issued in May, 2017. Challenging the said orders, the petitioners preferred an Appeal to the second respondent and the second respondent confirmed the orders by proceedings in August, 2017.

A perusal of the orders passed by the respondents 2 and 3 indicates that no opportunity was given to the petitioners before awarding compensation to the farmers. The basis for awarding compensation appears to be G.O.Rt.No.1117, Agriculture and Cooperation Department, dated 01.09.2017. The District Level Committee and the State Level Committee were constituted to go through the complaints of the farmers, individual or general in respect of supply of defective seeds after due procedure, fix the responsibility of compensation/damages on the seed producer concerned and also to constitute State Level Committee as an appellate Authority. What is due procedure is not mentioned in the said

Government Order and a reading of the impugned orders shows that no opportunity was given to the petitioners. Even otherwise also, the Government Order speaks of imposition of compensation/damages on the seed purchasers, but not on the Nurseries like the petitioners.

In view of the same, this Court is constrained to set aside the impugned orders of the respondents 2 and 3 and remanding the matter to the third respondent for passing fresh orders in accordance with law after affording reasonable opportunity of submitting a detailed written representation by the petitioners.

The writ petitions are accordingly allowed. Consequently, miscellaneous petitions, if any pending, in these writ petitions shall stand closed. There shall be no order as to costs.

26.10.2017
pln

A.RAMALINGESWARA RAO, J

