

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.2542 of 2018**

**ORDER:**

Aggrieved by the proceedings, dated 03.07.2017 issued by the third respondent – Licensing Authority and Additional Director of Agriculture-1, Office of Commissioner & Director of Agriculture, State of Telangana, Hyderabad, cancelling the Seed Licence issued in its favour, valid up to 12.04.2019, the petitioner Company filed the present Writ Petition.

The case of the petitioner Company is that on account of a complaint, FIR was registered on 26.06.2017 and its Director was arrested on 27.06.2017 and was in jail till 14.07.2017 and again, he was detained on 08.08.2017 under the provisions of the Telangana State Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, and released on 05.12.2017. Its further case is that though the proceedings impugned refers to a show cause notice having been issued on 28.06.2017 asking it to submit explanation as to why action should not be initiated in terms of Clause 15 of the Seed (Control) Order, 1983, as its Director was in judicial custody, the same was not served on it, as such, no explanation could be

offered. Therefore, the petitioner Company challenged the impugned proceedings on the ground of violation of principles of natural justice.

Though it is evident from the material placed on record that the notice was not served and the petitioner did not have any opportunity to submit explanation, learned Government Pleader for Food and Agriculture appearing for the respondents submits that there is an effective alternative remedy provided to the petitioner Company under Rule 16 of the Seed (Control) Order, 1983, and the petitioner may be permitted to avail the same.

Having considered the above, this Court perused the show cause notice, dated 28.06.2017, in which, there is an endorsement stating that the notice was not served on anyone concerning the petitioner Company. Such endorsement reads as under:

“Company personal (sic-personnel) not available both in person and over phone also hence pasted on premises on 29.06.2017 at 7.45 p.m. at Gopikrishna Seeds Private Limited, Bhoothpur.”

The above quoted portion leaving no manner of doubt shows that the show cause notice was not served on the petitioner. As a matter of fact, the show cause notice could not have been served on the petitioner Company as its Director was in judicial custody.

It is well settled that existence of alternative remedy is no bar for maintainability of the Writ Petition, particularly, in the cases where there is a violation of principles of natural justice and also in cases where an order is passed without jurisdiction (See **V. Kannaiah v. Commandant, SARCPL and others** {2016(5)ALT 251}).

In the light of the above, the Writ Petition is allowed and the impugned proceedings are set aside leaving it open to the respondent authorities to take appropriate action against the petitioner Company in accordance with law.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

30<sup>th</sup> JANUARY, 2018.

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**CHALLA KODANDA RAM, J**