

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2544 of 2018

ORDER:

Challenging 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 favour of petitioner, who is the Proprietor of M/s. Srusti Seeds, valid up to 17.05.2019, the present Writ Petition is filed.

The case of the petitioner is that on account of a complaint, FIR was registered against him and he 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. His further case is that though the proceedings impugned refers to a show cause notice having been issued on 28.06.2017 asking him to submit explanation as to why action should not be initiated in terms of Clause 15 of the Seed (Control) Order, 1983, as he was in judicial custody, the same was not served on him, as such, no explanation

could be offered. Therefore, the petitioner 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 under Rule 16 of the Seed (Control) Order, 1983, and that he may be permitted to avail the same.

A perusal of the impugned proceedings discloses that the show cause notice was not served on the petitioner. As a matter of fact, it could not have been served on the petitioner as he 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 in accordance with law.

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

CHALLA KODANDA RAM, J

30th JANUARY, 2018.

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