

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3714 of 2018

ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the second respondent – Licensing Authority, the Additional Director of Agriculture-I, O/o Commissioner and Director of Agriculture, Guntur, Hyderabad, in refusing to renew petitioner's Centralised Seed License though an application for renewal of the license is submitted within time and several representations were submitted by the petitioner, as illegal and arbitrary.

It is asserted in the writ affidavit that the petitioner, represented by its Proprietor, involved in manufacturing and marketing of the seeds and obtained license under the Seeds (Control) Order, 1983 (for short 'the Control Order'), in 2014 which was valid up to 30.01.2017. On 23.01.2017, the petitioner had applied for renewal of license and paid an amount of Rs.1,000/- through challan on 30.01.2017. However, the second respondent has not renewed the license despite several representations submitted by the petitioner. Therefore, the petitioner got issued a legal notice to the second respondent on

26.12.2017. It is only through the impugned letter, the petitioner was informed that the application for renewal of license was not considered on account of the fact that the applications seeking fresh/renewal/amendments have to be submitted through online license management system and that the applications submitted manually are not entertained. Inasmuch as the petitioner had not submitted the online application, the same was not considered and renewal of license was not granted.

Heard learned counsel for the petitioner.

Learned Government Pleader for Agriculture placed before this Court a note, in which, it is stated that from 02.06.2014/State bifurcation onwards, Centralized Seed License has to be applied through online license management system only and the applications through manual submission are not entertained in the Office and the same was communicated to Seedmen Association (Annexure-I) and JDAs (Annexure-II) of all the Districts in the Andhra Pradesh State; that the legal notice issued by the petitioner was replied clearly informing the procedure for renewal of license and that as the petitioner has not submitted the online application for renewal of license, request of the petitioner was not considered under Clause 7 of the Control Order.

From a perusal of the note, it is evident that there is no specific denial of the assertion of the petitioner that the petitioner had paid the amount through challan on 30.01.2017 and submitted the application on 23.01.2017 seeking renewal of license in terms of the Control Order. This aspect of the matter further gets reinforced as there being no response to the legal notice issued by the petitioner on 26.12.2017 specifically setting out the fact that renewal application has been made before expiry of license. Within one month from the date of expiry of the license, the petitioner submitted the application form with enclosures as required, on 09.02.2017. There is no denial of the same. As can be seen from the impugned letter as well as the note, which is placed on record, the application of the petitioner was not considered on the ground that the petitioner has to submit the online application. Though it is asserted by the respondents that online applications have to be submitted, there is no statutory notification issued making it mandatory that only online applications would be processed. It is not the case of the respondents that there was any amendment to the Control Order making it mandatory that only online applications have to be submitted. As per Sub-Clause (1) of Clause 7 of the Control Order, application has to be submitted in Form 'C' together with

fee. If the application is submitted beyond the time, there is an additional fee prescribed in Sub-Clause (2) of Clause 7 of the Control Order. Therefore, it can be said that there is no justification on the part of the second respondent in not considering the application of the petitioner for grant of renewal of license on the ground that the petitioner had not submitted the online application.

In those circumstances, this Writ Petition is allowed with the direction to the second respondent to consider the application of the petitioner for grant of renewal of license 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

8th FEBRUARY, 2018.

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