

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.8541 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Agriculture (A.P.) for the respondents.

2. When the matter is called, it is submitted by learned counsel for the petitioner so also learned Government Pleader that the issue in the present writ petition is squarely covered by the common order, dated 15.02.2018, in W.P.Nos.4705 and 4827 of 2018 of this Court. A copy of the same is filed along with writ material papers. The operative portion of the said common order reads as under:

“2. When the matters are taken up, learned counsel for the petitioners as well as learned Assistant Government Pleader, submits that the subject matter of these writ petitions is covered by the decision of Division Bench of this Court in W.A.Nos.1122 and 1136 of 2016 dated 03.11.2016. The Division Bench observed as under :

“While we are in complete agreement with the submission of Sri S.Niranjana Reddy, Learned Senior Counsel appearing on behalf of the respondent-writ petitioner, that there cannot be an omnibus categorisation, of all bio-products as insecticides, for the purpose of taking action under the Act, the grounds on which the Insecticide Inspector has reason to believe, that insecticides are being sold in contravention of the provisions of the Act and the Rules, would depend upon the facts of each case, and cannot be circumscribed by way of guidelines issued by this Court. The guidelines prescribed, in the order under appeal, can only supplement and not supplant the law, and would remain in force only till appropriate legislation-either plenary or subordinate -is made in this regard. Suffice it, while

making it clear that there cannot be an omnibus categorisation of all bio-products as insecticides for taking action against the dealers of those goods, to also make it clear that the guidelines, prescribed in the order under appeal, shall be in addition to, and not in derogation of, the powers conferred on the concerned authorities under the Act and the Rules. We may not be understood to have expressed any opinion on whether or not any of these bio-products are insecticides, as these are matters which the authorities concerned are required to examine in accordance with the provisions of the Act, the Rules made thereunder, and the guidelines stipulated in the order under appeal.

The order under appeal is modified to the extent indicated hereinabove, and the Writ Appeals are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.”

3. Following the said judgment, and in terms thereof, these writ petitions are also disposed of. There shall be no order as to costs.”

3. Following the said order and for the reasons stated therein, this writ petition is also disposed of in terms thereof. There shall be no order as to costs.

4. Office to enclose a copy of the common order, dated 15.02.2018, in W.P.Nos.4705 and 4827 of 2018 to this order.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 19.03.2018
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



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AMD