

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

**WRIT PETITION Nos.12475, 12508, 12536, 12543, 12546,
12551, 12552, 12571, 12579, 12625, 12640, 12650,
13117, 15165, 15222, 15236 AND 15332 of 2017**

Date:23.10.2018

W.P.No.12475 of 2017

Between:

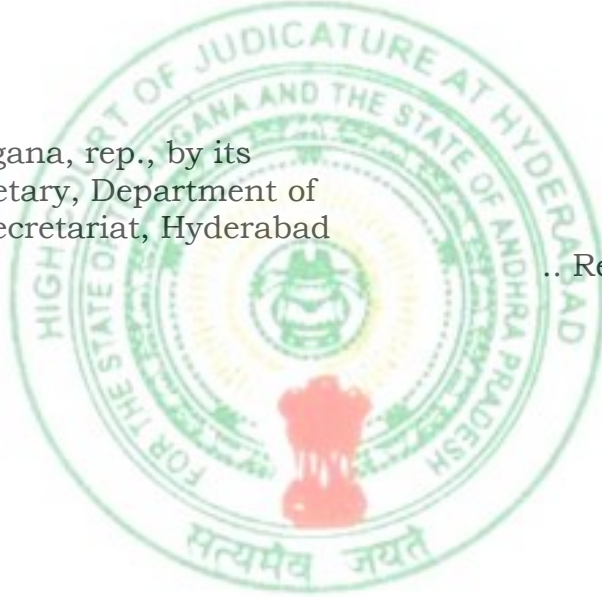
Nagarjuna Agencies, rep., by its
Proprietor, G. Vijaya Kumar,
W/o. Srinivasa Chakravarthi,
Aged about 47 years, R/o.D.No.2-93,
Main Road, Konijerla (V) & (M),
Khammam District

.. Petitioner

And

State of Telangana, rep., by its
Principal Secretary, Department of
Agriculture, Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

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COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Agriculture appearing for the respondents.

2. In all these Writ Petitions, petitioners are dealers in Chilli Seeds Variety J.C.H.801 produced by M/s.Jeeva Agri Genetics, Hyderabad. Alleging that the quality of the seeds sold by the petitioners contravened the provisions of Section 7 of the Seeds Act, 1966 and Clause 8A of the Seeds (Control) Order 1983, show cause notice was issued calling upon the petitioners to submit their explanation. In response to the same, the petitioners submitted their explanation. The original authority i.e., the District Agriculture Officer, Khammam, passed orders cancelling the licenses granted to the petitioners. Aggrieved by the same, some of the petitioners preferred appeals, but the said appeals were rejected without assigning reasons. The decisions of the original authority and/or the appellate authority, as the case may be, are assailed in these Writ Petitions.

3. Apart from other contentions, the orders cancelling the licenses are challenged on the ground that the orders of the original authority were not speaking orders and the appellate authority also did not assign reasons in support of the decision and therefore the orders cancelling licenses are liable to be set aside on that ground alone.

4. The issue of cancellation of Seed Licenses/Dealership Licenses is challenged before this Court in W.P.Nos.14356 of 2017 and batch

i.e., **Venkateswara Seeds & Pesticides, Narasaraopeta, Guntur v. State of Andhra Pradesh and others**¹. On construing the relevant provisions of Seeds (Control) Order, 1983 and the Seeds Act, 1966, the learned single Judge of this Court allowed the Writ Petitions. At paragraph Nos.14, 15 and 16, it is held as under:

“14. It appears that though the committee, after inspection, noticed the cause of failure and expressed doubts with regard to the quality of seeds, no finding was recorded with regard to sale of such seeds by the petitioners individually and an omnibus allegation was leveled against the manufacturer.

15. It is well settled in law that in the absence of a clear finding as to violation in respect of a penal provision, no action can be taken against the petitioners.

16. A reading of the orders of the licensing authority and the appellate authority clearly shows that no such clear finding was recorded and in the absence of any evidence on record, it is not possible to remand the matter to the appellate authority for fresh consideration.”

5. In the instant cases also, procedure, as required, was not followed before cancelling the dealership licenses granted to the petitioners.

6. In view of the judgment rendered by this Court in **Venkateswara Seeds and Pesticides** (supra), these Writ Petitions are also allowed setting aside the orders of cancellation of dealership licenses. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:23.10.2018
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¹ 2018 (1) ALD 618