

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.9972 of 2009

ORDER:

Heard the learned counsel for the petitioners as well as the learned Standing counsel appearing for the respondent Board.

The prayer sought in the writ petition is as under:

“... Hon'ble Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent herein in treating the petitioners bearing registration numbers 30-005-068, 30-005-065 and 30-005-077 as unauthorized growers of Tobacco by deducting 5% from the auction amount payable to the petitioners for purchasing the Tobacco as illegal, arbitrary and unconstitutional and consequently direct the respondent herein to deduct only 1% from the purchase amount payable to the petitioners by treating them as authorized growers and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

During the course of argument, it is brought to the notice of the Court by both the counsel that in reply to the impugned proceedings dated 30.04.2009, the petitioners have submitted explanation dated 07.05.2009.

On 02.11.2018, the learned Standing counsel appearing for the respondent Board sought time to get instructions as to whether any orders are passed pursuant to the explanation submitted by the petitioners. Today, on instructions, the learned Standing counsel submits that since the matter pertains to the years 2008-2009, the records are not very much available immediately and it is not possible to ascertain and report to the Court as to whether any orders are passed or not. However, both the counsel agreed to dispose of the writ petition in the light of the interim orders passed by this Court on 20.05.2009.

Further, even on a perusal of the record also demonstrates that the petitioners have submitted a detailed explanation dated 07.05.2009. Even in the impugned proceedings also the explanation of the petitioners was sought so as to pass appropriate orders. In the light of the above, this Court is of the opinion that if orders are passed in the light of the explanation submitted by the petitioners, the ends of justice would be met.

Accordingly, the writ petition is disposed of, directing the respondent Board to consider the explanation dated 07.05.2009 given by the petitioners in response to the impugned proceedings dated 30.04.2009 and pass appropriate orders as per law.

It is needless to observe that in the light of the interim orders passed on 20.05.2009, the respondent Board is directed not to take any coercive steps till final orders are passed with respect to the crop years 2008-2009. However, this order will not come in the way of the respondent Board to take action in respect of other crop orders, if there is any violation.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 08.11.2018.
ES