

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 826/2019

Basant Agro Tech (I) Ltd., through authorised person Shri Abhay Sureshrao Andure,
..VS..
State of Maharashtra, through Secretary, Department of agriculture, Mantralaya, Mumbai
and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.V. Manohar, Senior Advocate a/b Mr. A. S. Manohar, Advocate for
the petitioner.

Mr. M. K. Pathan, A.P.P. for the respondents.

CORAM : Z.A.HAQ, AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 23rd September, 2019

Heard.

The petitioner a Private Limited Company, holding license for manufacture of granulated mixture of fertilizers, has approached this Court with prayer that the communications issued by the respondent No.2 - Commissioner of Agriculture, on 01st June 2019 and 06th July 2019 be quashed.

According to the petitioner, because of the impugned communications, it apprehend that the officers may act highhandedly and take action contrary to the provisions of Essential Commodities Act, 1955 (hereinafter referred as to "Act of 1955") and the Fertilizer (Control) Order, 1985 (hereinafter referred as to "Order of 1985"). Learned Senior Advocate appearing for the petitioner argued that the

impugned communications, which are issued on the basis of an earlier communication dated 06th May 2019, direct the officers to lodge First Information Report against all the Directors, Production Managers, Chemists and Secretaries of the establishment, though such action is not permissible under the statute and the Order of 1985.

On going through the impugned communications and the communication dated 06th May 2019, we find that the communications are intra department guidelines/directions to the officers. It is not the case of the petitioner that any action which is illegal and contrary to the provisions of the Act of 1955 and Order of 1985 is taken by the officers on the basis of the impugned communications.

In our view, unless it is pointed out that any action is taken by the officers contrary to the provisions of the Act of 1955 or Order of 1985, it would not be appropriate for this Court to examine the legality of the intra departmental communications/directions exercising extra-ordinary jurisdiction. Hence, at this stage, we do not see any reason to entertain the petition.

The writ petition is **dismissed**.

The petitioner will be at liberty to approach this Court again, if any action is taken against it or its Directors or Officers, contrary to the Act of 1955 or Order of 1985.

JUDGE

JUDGE