

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.12568 OF 2019

Date: 2.7.2019

Between:

M/s Almond Agro Nutrients Pvt. Ltd.,
represented by its Director Allaa Praveen Kumar

.. Petitioner

And

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

.. Respondents

The Court made the following:



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ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Respondents and perused the material on record.

2. Petitioner firm claims to be a proprietary concern engaged in the business of manufacturing, distribution, sale and supply of Bio-Fertilizers and products which consists only natural materials like farmyard, manure naturals, seaweed extracts, proteins and humidified substances. According to the petitioner, though no permission is required for manufacturing and sale of products listed out in the affidavit, the authorities are insisting for obtaining permission under Insecticides Act, 1968.

3. A batch of writ petitions were heard and disposed of by common order dated 10.07.2015. Three points considered by the learned single Judge were; i) whether the petitioners can manufacture/storage/market the products in the name of bio-products without disclosing the contents thereof; ii) whether the respondents can interfere with such activity without any authority of law; and iii) is there any provision that is attracted in the case of products which are called bio-products ?

4. Learned single Judge observed that in view of the provisions of the Insecticides Act and Fertilizer (Control) Order the activities of the petitioners can be regulated. Learned single judge issued nine directions. Suffice to note that in the guidelines prescribed by the learned single Judge, learned single Judge observed that persons dealing in bio-products required to maintain proper packing and marking of the product; the packing should contain ingredients included in the

product, analytical procedure and their percentage; that manufacturer should intimate the concerned Commissioner of Agriculture with regard to the manufacturing activity; the dealer of bio-products should have the information with regard to the source of purchase of bio-products and should maintain a register for the said purpose. Court observed that it is for the authorities to inspect the bio-products, to take samples in order to verify whether any such product contains harmful substances attracting the provisions of the Insecticides Act and the Fertilizer (Control) Order; and issued further directions. The directions would require a person manufacturing/holding the stock to disclose the aspects mentioned above.

5. As briefly noted above, in the judgment of the learned single Judge, dated 10.07.2015, and the Division Bench judgment in W.A.Nos.1122 and 1236 of 2016, the power to inspect and to take consequential steps are held to be valid. Inspection and taking consequential steps are for the purpose of finding out as to whether any bio-product claimed to have been manufactured and/or marketed is laced with pesticides which would be harmful to the human beings as well as plants.

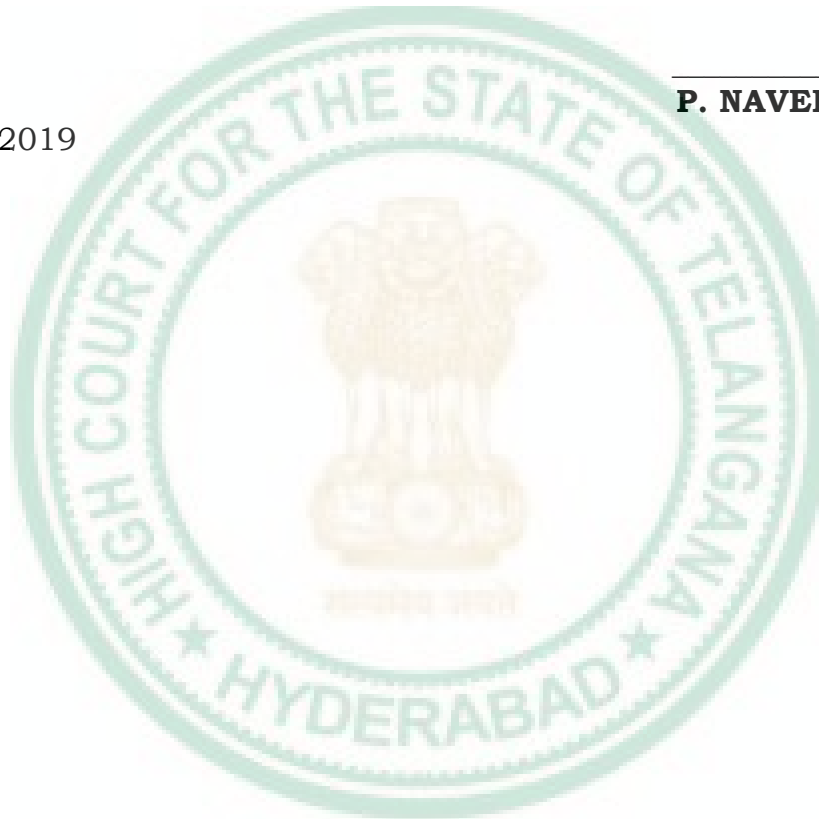
6. The affidavit is silent on compliance of the norms prescribed by this Court in W.P.No.25293 of 2014 and batch as upheld by the Division Bench. Therefore, unless the petitioner states that he has complied with the requirements to store and sell the bio-products, petitioner cannot complain that the respondent authorities are illegally interfering with the business of the petitioner firm. Further, as noted above, Insecticides Act enables the Inspector to inspect the premises and take appropriate action wherever warrants.

7. Further, having regard to the averments made in the affidavit, this Court on 24.6.2019 granted time to the petitioner to place on record the measures taken by the petitioner as required under law for storing and distribution of bio-products, but no material is placed on record as directed by this Court.

8. Having regard to the facts and circumstances of the case, the writ petition is devoid of merit and liable to be dismissed and accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 2.7.2019
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P. NAVEEN RAO, J



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