THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.17414, 17483, 17533 and 17536 of 2019

COMMON ORDER:

When these matters are taken up, it is submitted by the learned counsel for the petitioners as well as learned Government Pleader for Agriculture appearing for the respondents that the issue raised in the present Writ Petitions is squarely covered by the Common Order, dated 10.07.2015, passed by this Court in Writ Petition No.25293 of 2014 & batch.

Relevant portion of the aforesaid Common Order reads as under:

> **"i) The petitioner shall not deal with bio-products without maintaining proper packing and marking of the product. The packing of bio-products shall contain the ingredients included in the product, analytical procedure and their percentage. This enables the authority to verify the contents of the product.**
>
> **ii) The manufacturer of every bio-product should intimate the concerned Commissioner of Agriculture with regard to the manufacturing activity undertaken by it with name of the product, process and its content. The Commissioner of Agriculture need not grant any permission and mere information from the manufacturer is enough for this purpose. The Commissioner of Agriculture shall issue an acknowledgment of such information.**
>
> **iii) The dealer of bio-products should have the information with regard to the source of purchase of bio-products and shall maintain a register for the said purpose in order to enable the authorities to inspect the stock from time to time.**
>
> **iv) It is for the authorities to inspect the bio-products in the location of the manufacturer prior to its dispatch to the dealer or in the location of the dealer and take sample thereof in order to verify whether any such product contains harmful substances attracting the provisions of the Insecticides Act, 1968 or used as a fertilizer violating the provisions of Fertilizer (Control) Order, 1985. The sample of the product shall be collected from the said source by the authorities under the signature of the persons dealing with bio-products and the authority who is collecting for the purpose of sending it to the appropriate Laboratory in order to verify the contents of the said product.**

v) From a copy of the report, if any, prohibited substance is found by the authority, the authority shall issue a notice along with a copy of the report to the persons dealing with the product and take necessary action against such persons either under provisions of Insecticides Act, 1968 or Fertilizer (Control) Order, 1985. After receipt of the explanation from the person, the authority can pass appropriate orders under the provisions of the said enactment.

vi) The report from the concerned Laboratory shall be obtained as expeditiously as possible, preferably not later than a week from the date of collection of the sample and till such time, the concerned authority can withhold manufacture and sale of bio-product. Against the order passed by the authority who collected sample, the aggrieved party can file an appeal to the higher authority as provided in the above provisions if so advised.

vii) The collection of samples and the process of passing order shall not be resorted to routinely but should be on credible information that the product is causing damage to the public agriculture activity and on prima facie satisfaction of such information.

viii) The respondents shall not violate the law and resort to unnecessary harassment of the manufacturers or dealers in a routine manner.

ix) In case of violation of the above directions, it is open to the petitioner to bring it to the notice of the higher authorities of the action of the officers violating the directions, and the higher authority to the authority interfering with the activity of the petitioner shall dispose of the representation with utmost expediency and not later than ten days from the receipt thereof."

Following the aforesaid Common Order dated 10.07.2015, and for the reasons stated therein, these Writ Petitions are also disposed of in terms thereof. Miscellaneous petitions, if any, pending in these writ petitions shall also stand disposed of. There shall be no order as to costs.

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JUSTICE CHALLA KODANDA RAM

16th August, 2019

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THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.17414, 17483, 17533 and 17536 of 2019

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KSM