THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21629 of 2019

O R D E R:

This Writ Petition is filed for the following relief:

> ".....to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in interfering into manufacturing including sale, supply and distribution of the petitioner's bio-products of PINK BOULD, ENCOUNTER, MATREX, RENAULT, BENFORCE, MAGIC PLUS, ROBO, YASHWANTH NO.1, FAZER, RAPID, ALIXIR ALL CLEAN, CORIN, JAZZ, TUFAN, ACTIVA, SUNNY, JAWAN, FERTI-LAAN, SUPREME PLUS, CORONA, JACKPOT, MOKSHA, PATAAS, PUDAMI, DUCKOUT, HELMET, HELMET, GLOW UP, VETRO PRI, VECEPHATE + VEMIDA, as illegal, arbitrary, unconstitutional and without jurisdiction and further direct the respondents not to interfere in any manner into manufacturing including sale, supply and distribution of the petitioner's Bio-products ....."

It is submitted by the learned counsel for the petitioner as well as the learned Government Pleader for Agriculture appearing for the respondents that the issue in the present Writ Petition is squarely covered by the common order, dated 10.07.2015 passed by this Court in Writ Petition No.25293 of 2014 and batch, as modified by the Division Bench of this Court in Writ Appeal Nos.1122 and 1136 of 2016 *vide* common judgment, dated 03.11.2016.

Relevant portion of the aforesaid common judgment, dated 03.11.2016 in Writ Appeal Nos.1122 and 1136 of 2016 is as under:

> "While we are in complete agreement with the submission of Sri S. Niranjan Reddy, learned Senior Counsel appearing on behalf of the respondent-writ petitioner, that there cannot be an omnibus categorization, of all bio-products as insecticides, for the purpose of taking action under the Act, the grounds on which the Insecticide Inspector has reason to believe, that insecticides are being sold in

contravention of the provisions of the Act and the Rules, would depend upon the facts of each case, and cannot be circumscribed by way of guidelines issued by this Court. The guidelines prescribed, in the order under appeal, can only supplement and not supplant the law, and would remain in force only till appropriate legislation – either plenary or subordinate – is made in this regard. Suffice it, while making it clear that there cannot be an omnibus categorization of all bio-products as insecticides for taking action against the dealers of those goods, to also make it clear that the guidelines, prescribed in the order under appeal, shall be in addition to, and not in derogation of, the powers conferred on the concerned authorities under the Act and the Rules. We may not be understood to have expressed any opinion on whether or not any of these bio-products are insecticides, as these are matters which the authorities concerned are required to examine in accordance with the provisions of the Act, the Rules made thereunder, and the guidelines stipulated in the order under appeal.

The order under appeal is modified to the extent indicated hereinabove, and the Writ Appeals are disposed of accordingly."

Following the aforesaid judgments and for the reasons stated therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:27.09.2019

kdl

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD