

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.Nos.1412, 1460, 1535 and 18540 of 2017

Date: 13.6.2019

W.P.No.1412 of 2017

Between:

M/s Muralidhara Agencies,
3/43, Main Road, Enkuru village and mandal,
Khammam district, rep. by its Propreitor
Pinni Venkata Narayana.

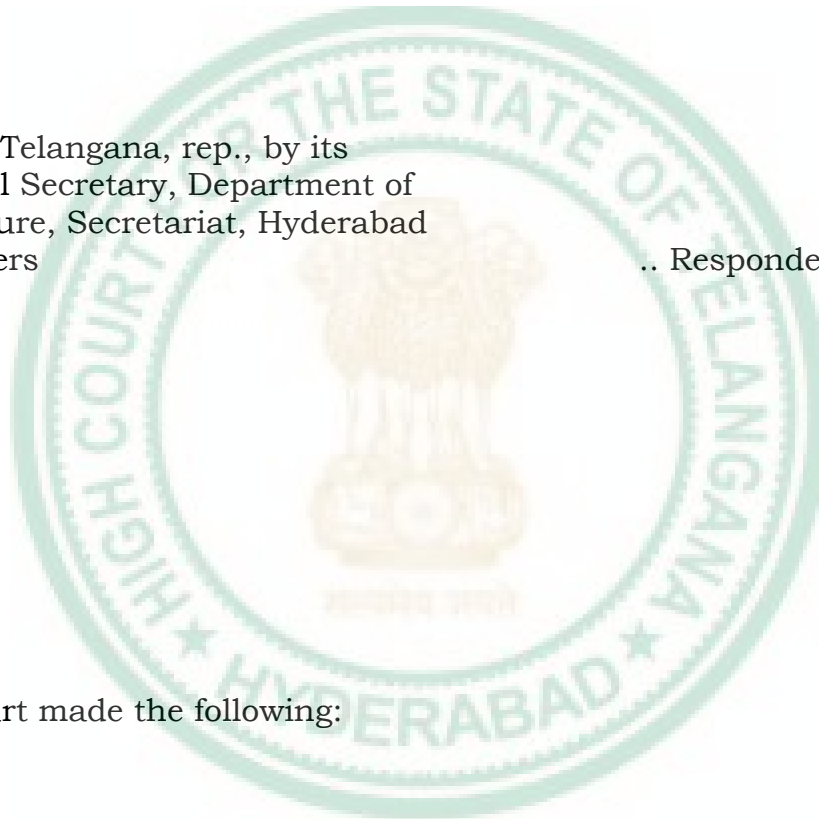
.. Petitioner

And

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

.. Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.Nos.1412, 1460, 1535 and 18540 of 2017

COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Agriculture appearing for the respondents.

2. In all these Writ Petitions, petitioners are dealers in Chilli Seeds Variety J.C.H.801 produced by M/s.Jeeva Agri Genetics, Hyderabad. Alleging that the quality of the seeds sold by the petitioners contravened the provisions of Section 7 of the Seeds Act, 1966 and Clause 8A of the Seeds (Control) Order 1983, show cause notice was issued calling upon the petitioners to submit their explanation. In response to the same, the petitioners submitted their explanation. The original authority i.e., the District Agriculture Officer, Khammam, passed orders cancelling the licenses granted to the petitioners.

3. Apart from other contentions, the orders cancelling the licenses are challenged on the ground that the orders of the original authority were not speaking orders and therefore the orders cancelling licenses are liable to be set aside on that ground alone.

4. The issue of cancellation of Seed Licenses/Dealership Licenses is challenged before this Court in W.P.Nos.14356 of 2017 and batch i.e., **Venkateswara Seeds & Pesticides, Narasaraopeta, Guntur v. State of Andhra Pradesh and others**¹. On construing the relevant provisions of Seeds (Control) Order, 1983 and the Seeds Act, 1966,

¹ 2018(1) ALD 618

the learned single Judge of this Court allowed the Writ Petitions. At paragraph Nos.14, 15 and 16, it is held as under:

“14. It appears that though the committee, after inspection, noticed the cause of failure and expressed doubts with regard to the quality of seeds, no finding was recorded with regard to sale of such seeds by the petitioners individually and an omnibus allegation was leveled against the manufacturer.

15. It is well settled in law that in the absence of a clear finding as to violation in respect of a penal provision, no action can be taken against the petitioners.

16. A reading of the orders of the licensing authority and the appellate authority clearly shows that no such clear finding was recorded and in the absence of any evidence on record, it is not possible to remand the matter to the appellate authority for fresh consideration.”

5. In the instant cases also, procedure, as required, was not followed before cancelling the dealership licenses granted to the petitioners.

6. In view of the judgment rendered by this Court in **Venkateswara Seeds and Pesticides** (supra), these Writ Petitions are also allowed setting aside the orders of cancellation of dealership licenses. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

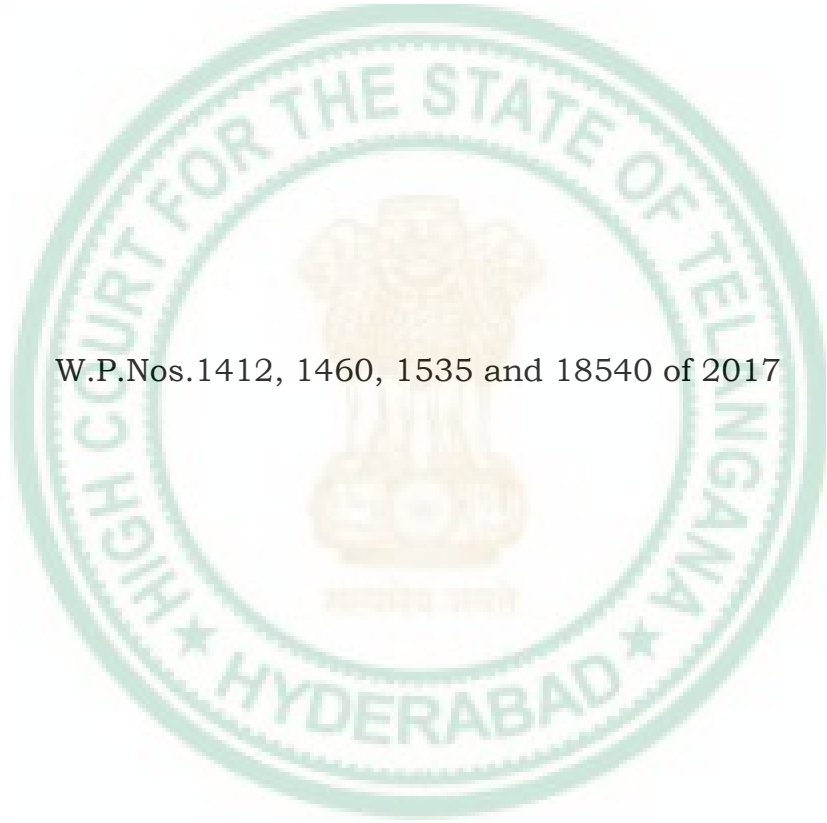
P. NAVEEN RAO, J

Date: 13.6.2019

DA

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.Nos.1412, 1460, 1535 and 18540 of 2017



13.6.2019

DA