

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 9801, 9843, 9857, 9864, 10005, 11118, 11300,
11419 AND 11842 of 2020

COMMON ORDER:

Heard learned counsel for the petitioners as well as learned Advocate General on behalf of the State and learned Government Pleader for Agriculture and Cooperation.

All these Writ Petitions are filed against the Agriculture Department arraying the State as well as the Commissioner & Director of Agriculture as party respondents. Taking into consideration the judgments of the Division Bench of this Court in Writ Appeal Nos. 1122 and 1136 of 2016, affirming the learned Single Judge's Order in Writ Petitions No. 1347 of 2015 and 2989 of 2016 with certain modifications, number of writ petitions are being disposed of, essentially, extracting the judgment of the said Division Bench. The Orders of this Court were of 2015 and 2016. In spite of the same, when a large number of cases are filed on the pretext that the authorities are interfering with the operations, following the Division Bench judgment, routinely orders were being made.

Noticing this aspect of the matter, this Court in Writ Petition No. 9801 of 2020 and batch of cases on 06.07.2020, directed the Principal Secretary, Agriculture and Cooperation Department and the Commissioner and Director of Agriculture to state, on affidavit, why they had not taken appropriate steps with clear instructions to the supporting officers putting them on notice with respect to the Division Bench judgment and the law declared by this Court to avoid the unnecessary burden being imposed both on the State as well as this Court. This issue was also brought to the notice of the learned Advocate General.

In compliance with the Order of this Court, dated 06.07.2020, the Commissioner of Agriculture had filed the affidavit dated 29.07.2020 specifically denying the interference on behalf of the State authorities and denying violation of the Orders of this Court. Adverting to the oral submissions made by the learned counsel for the petitioners that in each of the cases, the State authorities

are insisting a specific order, the said issue was informed to the Commissioner, who, in turn, while denying the same, had stated that the memo dated 25.07.2020 was issued to all the District Agricultural Officers in the State informing the respective officers not to insist for specific orders in each and every case. The memo reads as under:

No. PP(2)288/2020
Dt.25.07.2020

O/o Commissioner of Agriculture
Telangana, Hyderabad

M E M O

Sub: Bio products Common Court order WP No. 25293 of 2014 and Writ Appeal Nos. 1122 and 1136 of 2016 vide common judgment, dated 03.11.2016 – Instructions – Reg.

Ref: W.P.No. 9801, 9843, 9857 and 9864 of 2020 of Hon'ble High Court of State of Telangana.

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It is to inform that all the field functionaries /inspection staff i.e. Insecticide Inspectors to strictly comply with the orders of the Division Bench of the Hon'ble High Court referred in the subject cited and not to insist for an order from the High Court in each and every case.

Encl: W.P.No. 9801, 9843, 9857 and 9864 of 2020 of Hon'ble High Court of State of Telangana.

Sd/-

To
All the District Agricultural Officers in the State with instructions to communicate all the Agricultural Officers (Insecticide Inspectors) for strict compliance.

In the light of the Memo issued by the 2nd respondent - Commissioner, who is the Competent Authority, this Court warns the respective authorities that if it notices violation of the Orders of this Court / insisting on orders of the High Court, the matter will be viewed seriously and necessary proceedings will be initiated against the respective authorities.

It is made clear that it shall be the responsibility of the 2nd respondent as well as the 1st respondent to ensure the Memo dated 25.07.2020 is implemented in its letter and spirit. Further, in future, if any party comes forward specifically

naming the authorities committing violation of the orders issued, the Court will pass appropriate orders on case to case basis.

Subject to the above, the Writ Petitions are disposed of. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

A copy of this order be made available to the 2nd respondent forthwith.

05th August 2020

CHALLA KODANDA RAM, J

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THE HON'BLE SRI JUSTICE CHALLA KONDANDA RAM



WRIT PETITIONS No. 11419, 11482, 9801, 9843, 9857, 9864, 11118 and 11300 of 2020

05th August 2020

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