

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

**PRESENT
THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION NO: 18515 OF 2020

Between:

M/s. Surya Seeds Ltd, Represented by its Director Sri. N.Venkateswara Rao,
S/o.Samabaiah, aged about 49 years, Regd office at 3-50, NH-44, Yellampet Village,
Medchal District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Agricultural Department, Secretariat, Hyderabad.
2. The Commissioner, and Director of Agriculture, Agricultural Department, Opp LB Stadium, Bhasheer Bag, Hyderabad- 500 001.
3. The Licensing Authority, Additional Director of Agriculture-1, Office of Commissioner and Director of Agriculture, Opp LB Stadium, Bhasheer Bag, Hyderabad- 500 001.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction or writ of MANDAMUS, declaring the action of the 3rd respondent suspending the license of the petitioner for a period of three month through the impugned order No. SRC(2) 703/2020, DATED. 05/10/2020 on untenable grounds as illegal, arbitrary, malafide, intentional and contrary to the provisions of Seed Act and Seed Control order and Environmental Protection Act, 1986 and consequently set-aside the same as illegal in the interest of justice

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of impugned order No. SRC(2) 703/2020, DATED. 05-10-2020 passed by the 3rd respondent pending disposal of the above writ petition

Counsel for the Petitioner : SRI. K.V.BHANU PRASAD

Counsel for the Respondents : GP FOR AGRICULTURE

The Court at the stage of admission made the following: ORDER

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.18515 of 2020

ORDER:

This writ petition is filed assailing the order dated 05-10-2020 passed by the 3rd respondent whereby and whereunder the license of the petitioner was suspended for a period of three months, which is valid upto 21-04-2022.

Learned counsel for the petitioner submits that the petitioner was issued with show cause notice dated 13-07-2020 by the 3rd respondent on the allegations of petitioner-firm committing certain irregularities in selling the cotton variety seeds etc., to which the petitioner submitted a detailed explanation dated 03-08-2020, but without considering any of the para-wise explanation offered on each point raised in the show cause notice, the impugned order is passed, which is in sheer violation of principles of natural justice.

Heard the learned Government Pleader for Agriculture.

A bare reading of the impugned order goes to show that except extracting the contents of the show cause notice and the contents of the reply submitted by the petitioner, there is no adjudication of the matter, no reasons are given to suspend the license of the petitioner, which is otherwise valid upto 21-04-2022 except stating that the reply submitted by the petitioner-firm is not *convincing*. This attitude clearly shows non-application of mind on the part of the authority in adjudicating the issue. In the circumstances, the impugned order is liable to be set aside only on the ground of violation of principles of natural justice i.e., not recording reasons and accordingly the impugned order is set aside.

However, this order will not preclude the 3rd respondent from passing orders afresh after re-considering the explanation submitted by the petitioner in the proper perspective and pass orders thereon in accordance with law after affording opportunity of hearing to the petitioner to put forth his case.

The writ petition is allowed to the extent indicated above. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed. There shall be no order as to costs.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Agricultural Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner, and Director of Agriculture, Agricultural Department, Opp LB Stadium, Bhasheer Bag, Hyderabad- 500 001.
3. The Licensing Authority, Additional Director of Agriculture-1, Office of Commissioner and Director of Agriculture, Opp LB Stadium, Bhasheer Bag, Hyderabad- 500 001.
4. One CC to Sri. K.V.Bhanu Prasad, Advocate [OPUC]
5. Two CCs to GP for Agriculture, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

Kj.

2/1/24

HIGH COURT

DATED:20/10/2020



ORDER

WP.No.18515 of 2020

ALLOWING THE WRIT PETITION
WITHOUT COSTS.

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3/11/20
HVT