

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.506 OF 2023

Mahesh Uddhaorao Wandhare, A/o 38
years, Occu : Business, R/o Santaji
Nagar, Chichordi, Kesurli Ward,
Bhadrawati, Dist. Chandrapur being the
Proprietor of M/s Jagannath Baba
Krushi Kendra Bhadrawati Dist.
Chandrapur.

... PETITIONER.

VERSUS

1. State of Maharashtra, through
its District Superintendent
Agricultural Officer, Chandrapur
/Competent Authority.
2. Taluka Agricultural Officer,
Bhandrawati, Distt. Chandrapur.
3. Agricultural Officer and Inspector
Seeds, Fertilizers and Insecticides
Panchayat Samittee, Bhadrawati,
Distt. Chandrapur.

... RESPONDENTS.

Shri A.A. Dhawas, Advocate for the petitioner.
Shri Doifode, A.P.P. for the respondents/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 08.08.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. Heard finally by consent of learned Counsel appearing for the parties.

3. The District Superintendent Agricultural Officer has conducted a raid and seized the seeds and other material from the possession of the petitioner alleging violation of the provisions of the Seeds Act, 1966, Insecticides Act and the Fertilizer Control Order. The principal grievance is that while the petitioner was in jail, show cause notice was served on his father, and thus, no opportunity of hearing was given resulting into passing of the impugned order. There is no denial to said fact that the notice was not personally served on the petitioner.

4. In view of the above, the impugned orders dated 10.07.2023 are hereby set aside. The Good seized/sealed shall remain as it is subject to the further orders, which may be passed.

5. The petitioner on the basis of same show cause notice, shall

remain present before the respondent no.1 District Superintendent Agricultural Officer, Chandrapur on 17.08.2023 at 11.00 a.m. with all document and explanation.

6. The concerned Authority shall decide the matter afresh after hearing the petitioner, within one week from the date of the first appearance of the petitioner.

7. The petition stands disposed of accordingly. No order as to costs.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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