

HON'BLE SRI JUSTICE NOUSHAD ALI

WRIT PETITION Nos.892, 1052, 1428, 2140, 2169, 2965, 3437, 3662, 3669, 5514, 5678, 6796, 7033, 7339, 7471, 7559, 7837, 9158, 9254, 9570, 9726, 9774, 10302, 10508, 10589, 11636, 11732, 11760, 11765, 11969, 11974, 11984, 12033, 12712, 13000, 13439, 13481, 13484, 13579, 15203, 15223, 15240, 15246, 15269, 15454, 15603, 15655, 15698, 15728, 15813, 15814, 15873, 15874, 15922, 15928, 15957, 15969, 15991, 16025, 16030, 16061, 16062, 16066, 16079, 16137, 16142, 16431, 16489, 16510, 16550, 16608, 16626, 16679, 16734, 16822 and 18885 of 2011

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COMMON ORDER:

These batch of cases arise out of a common cause, therefore, all these writ petitions are clubbed together and being disposed of by this common order.

2. The petitioners have filed these writ petitions challenging the action of the respondent, viz., Commissioner and Director of Agriculture, A.P. Hyderabad, in interfering with their business in manufacturing/marketing the bio-products by issuing Memo No.PP.II(1) 2085/2005, dated 21.01.2006 and Letter No.PP.II(1)2085/2005, dated 21.01.2006, as arbitrary and illegal, and consequently to forbear the respondent from interfering with their business activities in dealing with the bio-products.

3. The petitioners are manufacturers/marketers of bio-products such as Amino Acids, See Weed, Extracts, Enzymes etc., with various brand names. They claim that the said bio-products are manufactured without using any toxic chemicals and are useful to enrich the soil and ensure protection of land/crops from viral, bacterial, fungus and other infections, resulting in more production. According to the petitioners, the products manufactured by them are not covered either under the Insecticides Act, 1968 or Fertilizer Control (Order) Act, 1985. Therefore, there is no obligation on them to obtain licences under the said Acts for manufacturing/marketing the bio-products. Hence it is their case that the respondent has no jurisdiction to interfere with their business activities in dealing with the bio-products under the guise of the impugned Memo and

the letter.

4. I considered this issue, which fell for consideration in W.P.No.17811 of 2011 and batch, dated 28.6.2011 and taking into consideration the facts and circumstances the said writ petitions were disposed of with certain directions.

5. All the learned counsel appearing in these cases submit that this batch of cases is squarely covered by the said orders and the learned counsel while consenting submit that the same order be passed in these cases also.

6. Having regard to the said submission, the following comprehensive directions are issued:

- a) The petitioners shall submit a sample of 5 kgs., of each product dealt with by them together with the corresponding literature throwing light upon the manufacturing process as well as the contents thereof together with the composition/components of the products to the respondent herein.
- b) Each of the petitioners shall remit a sum of Rs.5,000/- (Rupees five thousand only) along with the samples to the respondent to meet the expenses of analysis.
- c) Within eight weeks from the date of compliance of conditions as indicated in Clauses (a) and (b) by the petitioners, the respondent shall get the same analyzed in a suitable laboratory and intimate the result of the analysis to the petitioners.
- d) The petitioners shall also permit the officers authorized by the respondent to collect the samples from the manufacturing units/sale points.
- e) The petitioners shall furnish details of their sale points to the respondent for drawal of samples.
- f) In case, the analysis reveals that the products dealt with by the petitioners answer the description of the products mentioned in Schedule – III to the Control Order and the Insecticides Act, they shall be entitled to deal with the products only after obtaining licence under the Control Orders. On the other hand, if the result is found otherwise, the petitioners shall not be subjected to the regime under the Control Orders; and
- g) If the respondent fails to intimate the result of the analysis within eight (8) weeks from the date of submission of the samples, as indicated above, it shall be open to the petitioners to deal with the products, notwithstanding the impugned letter and the memo, as long as the products are not insecticides or chemicals.

7. It is also made clear that in the event the respondent receives any complaints from the ryots with regard to the quality of the bio-products supplied by the petitioners, it shall be open to the respondent to take necessary action in accordance with law.

8. Subject to the above directions, these writ petitions are disposed of. There shall be no order as to costs.

JUSTICE NOUSHAD ALI

06.07.2011.
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HON'BLE SRI JUSTICE NOUSHAD ALI

(W.P.No.892 of 2011 and batch)

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