GAHC010178802026

2026:GAU-AS:14999

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4533/2026

RIDIP MAHANTA
PROPRIETOR OF M/S ROOTRISE AGENCY, S/O LATE RATNA MAHANTA, ANANDA NAGAR, SIXMILE, GUWAHATI, DISTRICT KAMRUP M, ASSAM- 781022.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT OF AGRICULTURE, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI- 781022.

3:THE DEPUTY DIRECTOR OF AGRICULTURE (SEEDS)

OFFICE OF THE DIRECTOR OF AGRICULTURE
KHANAPARA
GUWAHATI- 781022.

4:THE MANAGING DIRECTOR
ASSAM SEEDS CORPORATION LTD.
KHANAPARA
GUWAHATI- 781022.

5:THE DISTRICT AGRICULTURE OFFICER
BISWANATH
ASSAM- 784176

Advocate for the Petitioner : MD S HOQUE, MS B A AHMED

Advocate for the Respondent : SC. AGRICULTURE, SC. ASSAM SEED CORPN.

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 07.10.2026

1. Heard Mr. S Hoque, learned counsel for the petitioner. Also heard Mr. B Choudhury, learned standing counsel, Agriculture Department appearing for respondent Nos.1, 2 and 5 and Mr. M M Zaman, learned counsel for the respondent Nos.3 & 4.

2. The petitioner is the proprietor of M/S Rootrise Agency, Behali, and holds a seed dealer license issued by the Agriculture Department, Assam. He is also an authorized distributor of M/S Hytech Seed India Private Limited. The petitioner applied for endorsement of two varieties of maize seeds, namely HTMH 5108 and HTMH 5109, against his existing seed dealer license so as to enable him to participate in the tender process initiated by the Assam Seed Corporation Limited. The petitioner relies upon the notification dated 27.03.2018, issued by the Central Government under Section 5 of the Seeds Act, 1966, whereby, the two varieties have been notified.

3. It is the contention of the petitioner that the notification declares the varieties to be notified varieties for the whole of India and therefore, no state-specific notification or recommendation could have been insisted upon by the authorities.

4. The record indicates that the petitioner's initial application for endorsement was not accepted on the grounds that the varieties did not have requisite recommendation of the state of Assam.

5. The petitioner thereafter approached the higher authority and an endorsement certificate dated 20.07.2026, came to be issued in his favour, permitting him to deal in the two varieties against his existing license. Subsequently, the said decision was reverted and the earlier endorsement was treated as no longer valid. The petitioner has therefore, approached this court challenging the seed auction.

6. The learned counsel for the petitioner submits that the authorities have acted arbitrarily in insisting upon a state-specific recommendation when the two varieties have already been notified by the Central Government under Section 5 of the Seeds Act.

7. It is contended that the expression in the notification declaring the varieties to be notified varieties "for the whole of India for the purpose of the said act", makes the varieties available throughout the country and therefore, the petitioner could not have been denied endorsement merely because, Assam is not specifically mentioned against the varieties in the notification. It is further submitted that in any event, once the competent authority had issued the endorsement certificate dated 20.07.2026, the same could not have been subsequently withdrawn or reverted without justification.

8. The learned counsel for the respondent, on the other hand, submits that the contention proceeds on an erroneous reading of the notification issued under Section 5. Section 5 expressly contemplates notification of different varieties for different states or areas and the notification has to be read as a whole. The two varieties in question have not been notified for sale for agricultural purpose in Assam. The expression "for the whole of India for the purpose of the said Act", cannot be constituted independently of the state wise specification in the notification.

9. It is further submitted that earlier endorsement was an erroneous administrative action and the petitioner cannot claim a right on the basis of such an error.

10. Having considered the rival submissions and the material perused on record, I am unable to accept the contention of the petitioner. Section 5 of the Seeds Act, 1966, empowers the central government, after consultation with the Central Seed Committee, to declare a kind or a variety of seed to be a notified kind or variety for purpose of the Act and specifically provides that different kinds or varieties may be notified for different states or different areas thereof.

11. The notification issued in exercise of the said power has, therefore, to be read as a whole. In the notification dated 27.03.2018, HTMH 5108 is specified against Karnataka, Maharashtra, Andhra Pradesh, Tamil Nadu and Telangana whereas, HTMH 5109 is specified against Karnataka, Telangana,

Andhra Pradesh, Tamil Nadu and Maharashtra. Assam does not find place against either of the two varieties.

12. The mere fact that the notification describes the varieties as notified varieties for the whole of India for the purpose of the Seeds Act, cannot be construed as a declaration that the varieties have been notified for sale for agricultural purposes in every state of the country.

13. A variety which was not notified for sale for agricultural purposes in Assam cannot be treated as a variety so notified, merely, because it was a notified variety for the purpose of the Seeds Act. Further, procurement of seed in state could only be made in accordance with the notification issued under Section 5 of the Act.

14. The fact that an endorsement certificate dated 20.07.2026, was initially issued in favour of the petitioner does not alter the position. An administrative cannot, by an erroneous act, confer a substantive right which is otherwise not available under the statute or the notification issued thereunder. The authority is competent to rectify an error when the same comes into its notice.

15. The petitioner cannot claim a vested or enforceable right merely because the authority had initially acted upon an erroneous understanding of applicable legal position. There can be no *estoppel* against the statute.

16. The entitlement of the petitioner has to be determined with reference to the statutory scheme and the notification issued under Section 5 and not with reference to an earlier administrative

mistake/action. If the petitioner had no statutory entitlement to have the two varieties endorsed against his license, the subsequent correction of earlier action cannot furnish a ground for interference under Article 226 of the Constitution of India.

17. In view of the aforesaid decision, I find no merit in the challenge made by the petitioner. The petitioner cannot claim a right to endorsement of HTMH 5108 and HTMH 5109 on the basis of notification dated 27.03.2018, nor can such right be founded upon the endorsement dated 20.07.2026, which was itself inconsistent with the statutory position.

18. The writ petition is accordingly dismissed. No order as to cost.

JUDGE

Comparing Assistant