

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 21401 OF 2020

Between:

Sri Sai Agri Technologiess, Represented by its Manager, M. Sandeep S/o Shivaji,
Regd office at D.No 5-5-145, Plot No. 104, Road No 5, Hill Colony,
Vanasthalipuram, Rangareddy District. Manufacturing Unit at Survey No.353, 354
and 355, Torru Village, Abdullapurmet Mandal, Ranga Reddy District

...PETITIONER

AND

1. The State of Telangana, Agriculture Department, Represented by its Principal Secretary, Telangana Secretariat, Hyderabad.
2. The Commissioner and Director of Agriculture, Government of Telangana, Near L.B. Stadium, Hyderabad.

...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, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in interfering with the Production, sale, distribution storage points of Petitioners Bio Products such as SS Rich Grow, SS Supreme, SS Wonderwin, SS Greenplus, SS Rootrich, SS Growmin, SS Growell 3G, SS Winner G, SS Kingzyme G, SS Gold, SS More 89, SS Ultra Power G, SS Growth Plus, SS Moreplus, SS Wonder, SS Star, SS Terror, SS Shooter, SS Breeze, SS Nacrogen, SS Active Plus, SS Mithra, SS Merit, SS Rider, SS Gun, SS Diamond Gel, SS Brent, SS Comfort, SS Xylo, SS Neon- L, SS Varsha, SS Sri Sai, SS Welgrow, SS Block Buster, SS Double Action, SS Hiper as illegal, arbitrary and un-constitutional and without jurisdiction and further direct the respondents not to interfere with in any manner with the sale, distribution, storage points of petitioners Bio Products marketed through its direct marketing staff and also through the licensed dealers / stockiest etc permitted under the Insecticides Act, 1968, Seeds Act and the Fertilizers (Control) Order 1985.

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 direct the respondents not to interfere with in any manner with the Production, sale, distribution, storage points of petitioners Bio products such as SS Rrch Grow, SS Supreme, SS Wonderwin, SS Greenplus, SS Rootrich, SS Growmin, SS Growell 3G, SS Winner G, SS Kingzyme G, SS Gold, SS More 89, SS Ultra Power G, SS Growth Plus, SS Moreplus, SS Wonder, SS Star, SS Terror, SS Shooter, SS Breeze, SS Nacrogen, SS Active Plus, SS Mithra, SS Merit, SS Rider, SS Gun, SS Diamond Gel, SS Brent, SS Comfort, SS Xylo, SS Neon- L, SS Varsha, SS Sri Sai, SS Welgrow, SS Block Buster, SS Double Action, SS Hiper, and marketed through its direct marketing staff and also through the licensed dealers/stockiest etc permitted under the Insecticides Act, 1968, Seeds Act and the Fertilizers (Control) Order 1985. pending disposal of the above Writ Petition.

Counsel for the Petitioner : M/s. L. V. S. NAGARAJU
Counsel for the Respondents: GP FOR AGRICULTURE
The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.21401 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Agriculture appearing for the respondents.

It is submitted by learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P.No.25293 of 2014 and batch, dated 10.07.2015 as modified by the Division Bench in W.A.Nos.1122 and 1136 of 2016, dated 03.11.2016.

Following the above orders, this Writ Petition is disposed of in terms of the said orders. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Agriculture Department, Telangana Secretariat, Hyderabad.
2. The Commissioner and Director of Agriculture, Government of Telangana, Near L.B. Stadium, Hyderabad.
3. One CC to M/s. L. V. S. Nagaraju, Advocate [OPUC]
4. Two CCs to GP for Agriculture, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

(Along with a copy of order dt:03/11/2016 in W.P.No.1122 & 1136 of 2016)

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HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Appeal Nos.1122 and 1136 of 2016

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

While elaborate submissions are made both by the Learned Government Pleader for Agriculture appearing on behalf of the appellants and Sri S.Niranjana Reddy, Learned Senior Counsel appearing on behalf of the respondent-writ petitioners, both of them would agree that the questions which necessitate examination are (i) whether, by way of the proceedings impugned in the Writ Petition, the appellants can prohibit sale of bio-products in shops licensed to stock and sell insecticides; (ii) whether the authorities are empowered to classify all bio-products as insecticides; and (iii) whether the guidelines, stipulated in the order under appeal, would preclude the authorities from exercising their powers under the Insecticides Act, 1968 ("the Act" for short) and the Rules made thereunder.

As has been rightly held by the Learned Single Judge, the fundamental right to carry on business under Article 19(1)(g) of the Constitution of India can only be restricted in accordance with Article 19(6) thereof. While the Act requires a licence to be obtained for storing and selling insecticides, no provision, either in the Act or the Rules made thereunder, has been brought to our notice which prohibit a licensee from selling other products, in addition to insecticides, in the very same premises. The impugned memo, whereby dealers were prohibited from stocking, exhibiting and selling bio-products not covered under the Act, from the premises for which a license has been granted under the Act and

the Rules, is not authorised either by any of the provisions of the Act or the Rules made thereunder.

The fact, however, remains that though the guidelines, in the order under appeal, have been stipulated in the larger public interest of protecting farmers, some of the conditions prescribed therein appear to run contrary to the provisions of the Act. As the Learned Government Pleader for Agriculture has rightly pointed out Clause 6 of the guidelines, which requires a report from the concerned laboratory to be obtained not later than a week from the date of collection of the sample, does appear to fall foul of the time limit of one month specified in Section 21(1)(d) of the Act. Likewise Clause 7, which requires credible information to form the basis of collection of a sample, may well be construed as restricting the power, conferred under Section 21(1)(d) of the Act, on the Insecticide Inspector to withhold stocks if he has reason to believe that insecticides are being distributed, sold or used in contravention of the provisions of the Act and the Rules made thereunder.

While we are in complete agreement with the submission of Sri S.Niranjan Reddy, Learned Senior Counsel appearing on behalf of the respondent-writ petitioner, that there cannot be an omnibus categorisation, of all bio-products as insecticides, for the purpose of taking action under the Act, the grounds on which the Insecticide Inspector has reason to believe, that insecticides are being sold in contravention of the provisions of the Act and the Rules, would depend upon the facts of each case, and cannot be circumscribed by way of guidelines issued by this Court. The guidelines prescribed, in the order under appeal, can only

supplement and not supplant the law, and would remain in force only till appropriate legislation – either plenary or subordinate – is made in this regard. Suffice it, while making it clear that there cannot be an omnibus categorisation of all bio-products as insecticides for taking action against the dealers of those goods, to also make it clear that the guidelines, prescribed in the order under appeal, shall be in addition to, and not in derogation of, the powers conferred on the concerned authorities under the Act and the Rules. We may not be understood to have expressed any opinion on whether or not any of these bio-products are insecticides, as these are matters which the authorities concerned are required to examine in accordance with the provisions of the Act, the Rules made thereunder, and the guidelines stipulated in the order under appeal.

The order under appeal is modified to the extent indicated hereinabove, and the Writ Appeals are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date:03.11.2016
cs

IN THE HIGH COURT FOR THE STATE OF TELANGANA

W.P. NO.

OF 2020

Between:

K.Lachiram
And another

...Petitioners

And

The State of Telangana
And others

...Respondents

CHECK LIST FOR WRIT PETITION

| S.No. | Item No. | Page No. | Checking Officer's Signature | Remarks |
|-------|----------|----------|------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 |

ORIGINAL SET

- 1) Proof of Service 1
- 2) Court Fee Rs.200/- 2
- 3) Writ Petition 3 & 4
- 4) Annexures I & II 5 to 7
- 5) Affidavit 8 to 17
 - a) Averment regarding previous proceedings (mention Page No.9 Para No. 2)
 - b) Averment regarding alternative relief (mention Page No.14 Para No.14)
- 6) Verification Statement 15
- 7) Enclosure
- 8) Material Papers (Duly Indexed P.Series) 18 to 59
- 9) a) Vakalath Rs.105/-
b) Power of Attorney/Resolution Authorising to sue if petition is filed in rep. capacity
- 10) Sheet containing Respondents' Addresses

DUPLICATE SET

- 11) Writ Petition 3 & 4
- 12) Annexures I & II 4 to 6
- 13) Affidavit 5 to 7
- 14) Material Papers 8 to 17

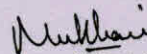
MISCELLANEOUS SET

- 15) Batta Rs.120/-
- 16) Rule Nisi Forms
- 17) Covers with Postal Addresses & Ack.Forms
- 18) Copies of Petition and Affidavits (As many as the No. of the Respondents + 2)

19. WRIT PETITION MISC. PETITION

Petition
Court Fee Rs.10/-
Batta Rs.120/-
Notice Papers, Covers with Postal Addresses and Ack.Forms

Signature of the
Scrutiny Officer


Signature of the Advocate
Name: MOHD. MUKHAIRUDDIN (17472)

FOR OFFICE USE ONLY

Respondent Vakalat filed by _____ for Respt.No.
Counter Filed for Respt.No.
Other Miscellaneous Petitions filed

(Under Article 226 of the Constitution of
India)

HIGH COURT

Special Original Jurisdiction

W.P. No. of 2020

DISTRICT: KAMAREDDY

K.Lachiram
S/o. Late K.Ramulu
aged about 47 years, Occupation: Central
Govt. Employee
R/o. Q.No.3463, Ordnance Factory Estate,
Yeddumailaram, Kandi Mandal,
Sangareddy District
And another ...Petitioners

By: MADHUKAR JADAV (18770)
MOHD. MUKHAIRUDDIN (17472)

Advocates
Counsel for Petitioners

NATURE OF APPLICATION:
(Under Article 226 of the Constitution of India)

"may be pleased to issue an appropriate writ, order or
direction in nature of writ of mandamus declaring the
impugned order ROR No.979/2014 dt.05.02.2014
passed by 2nd respondent as arbitrary, illegal and
violative of principles of natural justice and without
authority of law and consequently direct the 2nd
respondent to divide the shares among the legal heirs
and add/amend the name of the Petitioners in respect of
agricultural land in Sy.No.190/1 admeasuring Ac.4-24
gts. and Sy.No.190/2 admeasuring Ac.1-21 gts. situated
in Khambapoor Village, Pitlam Mandal, Kamareddy
District in the ROR/Pahanis and pass such further
orders in the interest of justice."

Permitted on :
Presented on:
Filed on: 02-12-2020

HIGH COURT

DATED: 26/11/2020

ORDER

WP.No.21401 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

⑦ VW
3/12/20