

**THE HON'BLE SRI JUSTICE NOUSHAD ALI**

**WRIT PETITION No.11455 of 2013**

**Date: 28.06.2013**

Between :

M/s. AVI Agros, rep. by its Proprietor  
Sri Annavarapu Nagamalleswara Rao,  
Meharbaba Temple Line, Guntur.

.... Petitioner

and

The Commissioner and Director of Agriculture,  
Andhra Pradesh,  
Basheerbagh, Hyderabad.

.... Respondent

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**ORDER :**

This writ petition is disposed of at the admission stage as agreed to by both the learned counsel.

2. This writ petition is filed for a Mandamus to declare the action of the respondent in interfering with the manufacturing and sale of the bio-products, which are stated in the affidavit filed in support of the Writ Petition, by the petitioner.

3. At the hearing, the learned Government Pleader for Agriculture, representing the respondent, submitted that a learned

Judge of this Court has disposed of a batch of Writ Petitions in ***M/s. Aruna Agro Tech, Chengam Tk Tiruvannamalai and others Vs. The Commissioner & Director of Agriculture, Hyderabad*** (W.P.Nos.17337, 17350, 18942 and 19654 of 2010, 21550, 21621, 21826, 21937, 21954, 21965, 22291, 22377, 23332, 23365, 23377, 23619, 26911 and 21526 of 2011) by Common Order, dated 01.11.2011, with certain directions. He further submitted that as the petitioner has not filed proof of its establishing an industry for manufacturing of the bio-products, a direction to the effect that the petitioner shall produce the proof of its establishing such industry, may be added to the directions already issued by this Court in the Common Order passed in the above-mentioned batch of Writ Petitions.

4. In the light of the above submissions, this Writ Petition is disposed of with the following directions:

- a. The petitioner shall submit to the respondent the proof of its establishment of the industry for manufacturing of the bio-products.
- b. The petitioner shall submit a sample of 5 kgs., of each product dealt with by it 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. The respondent shall not refuse to receive the samples whenever submitted by the petitioner.
- c. The petitioner shall also permit the officers authorized by the respondent to collect samples from the manufacturing units/sale points. The petitioner shall furnish details of its sale points to the respondent for drawal of samples.
- d. The petitioner shall remit a sum of Rs.5,000/- (Rupees five thousand only) in respect of each sample along with the samples to the respondent to meet the expenses of analysis.

- e. Within 8 weeks from the date of compliance of conditions as indicated in Clauses (b), (c) and (d), the respondent shall get the same analyzed in a suitable laboratory and intimate the result of the analysis to the petitioner.
- f. In case the analysis reveals that the products dealt with by the petitioner answer the description of the products mentioned in Schedule-III to the Control Order and the Insecticides Act, it shall be entitled to deal with the products only after obtaining registration/licence under the Control Order. On the other hand, if the result is found otherwise, the petitioner shall not be subjected to the regime under the Control Order, and
- g. If the respondent fails to intimate the result of the analysis within 8 (eight) weeks from the date of submission of the samples as indicated above, it shall be open to the petitioner to deal with the products, notwithstanding the impugned letter and the memo, as long as the products are not insecticides or chemicals.

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

6. As a sequel, W.P.M.P.No.14197 of 2013, filed by the petitioner for interim relief, is disposed of as infructuous.

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JUSTICE NOUSHAD ALI

28.06.2013.  
Msr

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