

HIGH COURT FOR THE STATE OF TELANGANA
 AT HYDERABAD
 (Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF AUGUST
 TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 9300 OF 2016

Between:

M/s ICM LIFE SCIENCE, rep by its proprietor, Sri P Sambasivarao, S/o. Srinivasarao, aged 52 years, Occ : Business, R/o. Kankanalapalli Village, Sattenpally Mandal, Guntur District, State of Andhra Pradesh.

(Industry premises at Plot No.54, Subashnagar, Jeedimetla, Ranga Reddy District, Hyderabad, State of Telangana – 500055.

.....PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary (Agriculture), Telangana Secretariat, Seefabad, Hyderabad.
2. The Commissioner and Director of Agriculture Telangana, Gun Foundry, 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** declaring the action of the respondents in interfering with the manufacturing, Distribution and sale of the petitioner's products of AAYUSH, AAYUSH PLUS, BACTOCIM, BT.GOLD, CLEAN, CONVERTER, DR.CURE, ELISTER, ENERZY, FINE, GREEN FILL, KAPUL, KAROLA, LESA-6, MIRCHI GOLD, MORE25MI, PULSER-9, PYRALID, PYUMA, REGREEN, RX-1, SLICE, SUCKOUT, TABAKI, THRISOOL, VAALI, WHITE ROX, as illegal, arbitrary, unconstitutional and without jurisdiction and further direct the respondents not to interfere with in any manner in the manufacture, sale and distribution of the petitioner's Bio-products.

I.A.NO:1 OF 2016 (WPMP.NO:11785 OF 2016)

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 herein to allow the petitioner to manufacture, sale and distribute the Bio-products including from the licensed premises of the dealers / Stockists under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act 1985, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI NAGA PRAVEEN VANKAYALAPATI

Counsel for the Respondents : GP FOR AGRICULTURE

The Court made the following ORDER

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.9300 of 2016

ORDER:

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

2. 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 *vide* common judgment dated 03.11.2016. Further, this Court, while disposing of W.P.No.48 of 2021 and batch *vide* common order dated 07.09.2021, held as under:

"11. In view thereof, the Writ Petitions are disposed of, granting liberty to the petitioners to make applications in compliance with the requirement of Clause 5 of the order of the Government of India, bearing No.S.O.882 (E), dated 23.02.2021, within two (2) weeks from the date of receipt of copy of this

order. If such applications are made within the time stipulated above, the competent authority shall process the same and if satisfied, to issue provisional Certificate of Registration in Form G-3, within four (4) weeks thereafter.

12. It is made clear that the competent authority is entitled to collect samples in compliance of Part 'C' of the order dated 23.02.2021 and test the compatibility of the products meeting the parameters to be marketed as bio-nutrients, before granting the provisional Certificate of Registration. It is in the public interest to ensure that a product to be produced and marketed as a bio-nutrient with the object of helping the farmer to develop high cellulose and resistance power in the plants meets the parameters to qualify as a bio-nutrient. The petitioners shall cooperate in drawing the samples. Until the exercise as directed above, is completed, subject of course to petitioners submitting applications within the time stipulated above and in compliance of requirements of Clause 5 of the order dated 23.02.2021 of the Government of India, petitioners are entitled to manufacture and distribute as contemplated by Clause 4 of the order dated 23.02.2021. However, it is always open to the competent authority to verify whether the products manufactured and distributed by the petitioners are in compliance with the statutory requirements and take action as warranted by law."

SK, J
Wp_9300_2016

3. In terms of the afore-stated orders and for the reasons mentioned therein, this Writ Petition is also disposed of. There shall be no order as to costs.

4. As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

SDI-V.KAVITHA
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To
1. The Principal Secretary (Agriculture), Telangana Secretariat, Saifabad, State of Telangana at Hyderabad.
2. The Commissioner and Director of Agriculture Telangana, Gun Foundry, Hyderabad
3. Two CCs to OP FOR AGRICULTURE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI NAGA PRAVEEN VANKAYALAPATI, Advocate [OPUC]
5. Two CD Copies

SA
GJP



HIGH COURT

DATED:30/08/2024

ORDER

WP.No.9300 of 2016



DISPOSING OF THE W.P
WITHOUT COSTS.

30/8/24
BB