

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

MAIN CASE No: W.P. No.34897 of 2025

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PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
02.	17.12.2025	<u>BSB, J</u> <u>I.A.No.01 of 2025</u> This petition is filed to suspend the proceedings in Rc.No.AGC02-FERT / A2 / 2025 dated 11.11.2025 issued by the 4th respondent, pending disposal of the writ petition. The learned Assistant Government Pleader for Agriculture placed on record a copy of the written instructions of the respondent No.4 vide memo No.AGC02-FERT / Legal / 2025 dated 12.12.2025 wherein while answering the allegations in the petition, a request was made to grant time for filing comprehensive counter affidavit in the main writ petition. Heard the learned counsel for the petitioner and perused the copies of the material documents of bills bearing Nos.341 to 361 filed along with memo dated 16.12.2025. Heard the learned Assistant Government Pleader for Agriculture and perused the copy of mediators report, F.I.R. etc.	Contd.,

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	17.12.2025	The learned counsel for the petitioner submitted that though a show cause notice was given to the petitioner before passing order of suspension of the licence of the petitioner, after submission of the reply and before passing the final order of cancellation of the licence, no further notice was issued nor was any opportunity given to the petitioner to show the truth of the stand taken by the petitioner in his reply. He further submitted that since the impugned order of cancellation of licence was passed, not any independent enquiry, but merely on the reference of the Commissioner and Director of Agriculture, Andhra Pradesh, Guntur, the remedy of appeal against the order of cancellation of the licence availed by the petitioner under clause 32 A of the Fertilizer Control Order, 1985 before the same authority i.e., the Commissioner and Director of Agriculture, Andhra Pradesh, Guntur is a mere formality and is against the principles of natural justice. Therefore, he submitted that inspite of the pendency of the appeal, the petitioner can avail the remedy of invoking writ jurisdiction. It is also contended by him that since the petitioner could not establish that the fertilizer under the bills was sold to the persons named therein, he had no fair opportunity of establishing his case and that	

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	17.12.2025	except the alleged statement of the driver of the vehicles seized, there is no evidence to connect the petitioner to the alleged offence. He further submitted that the petitioner has no blame in his business run for the past two decades. The learned Assistant Government Pleader for Agriculture submitted that the transactions were made through the online payment to the clerk of the petitioner and a detailed investigation would be taken up by the police and the present available documents indicate that the petitioner is guilty of illegal diversion of the fertilizer and that due opportunity was given to the petitioner by giving him a show cause notice for which he has submitted an explanation which is unsatisfactory. Since a detailed counter is required, he requested time to file counter. Considering the above submissions and the material documents placed before this Court, interim order as prayed for is granted till 06.01.2026. <u>B.S.BHANUMATHI,J</u> GRL	

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