

GAHC010178802026



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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 SANJAY KUMAR MEDHI

ORDER

21.08.2026

Heard Shri S. Hoque, learned counsel for the petitioner.

As per the facts projected, pursuant to a tender notice dated 01.08.2026, the petitioner had applied to endorse two hybrid maize varieties, namely, HTMH 5108 and HTMH 5109.

It is contended that the said varieties were notified in the Official Gazette which is for "Whole of India" without any territorial restrictions. It is also contended that vide a notification dated 20.07.2026, the aforesaid two varieties were also endorsed in the license of the petitioner.

The grievance of the petitioner is that without any valid reasons, the same was reverted.

On the other hand, Shri S. Chamaria, learned Standing Counsel has submitted that the interpretation of the petitioner *qua* the notification dated 27.03.2018 is incorrect which would be revealed from a bare reading of the same. At the same time, Shri B. Choudhury, learned Standing Counsel, Agriculture Department has clarified that though an endorsement was made in the license on 20.07.2026 by incorporating the two new varieties, the same was done by mistake which was realised and thereafter, appropriate steps have been taken.

Let notice be issued, returnable on 14.09.2026.

Shri Choudhury, the learned Standing Counsel, Agriculture Department accepts notice on behalf of the respondent nos. 1, 2, 3 and 5, whereas Shri Chamaria, the learned Standing Counsel, Seeds Corporation Ltd. accepts notice on behalf of the respondent no. 4.

Let extra copies of the writ petition be served upon the learned counsel for the respondents within 2 (two) working days from today.

Shri Hoque, the learned counsel for the petitioner prays for an interim order.

While it appears that the application dated 20.07.2026 of the petitioner for endorsement was duly acted upon, Shri Choudhury, the learned Standing Counsel, Agriculture Department has clarified that the same was done by mistake. This Court has also carefully gone through the notification dated 27.03.2018. Though in Sl. Nos. 48 and 49, the aforesaid two varieties have been notified, in the column pertaining to the States, the same does not include the State of Assam. Though the petitioner has emphasised that the notification would be applicable for "Whole of India", it has been clearly stated that the varieties of the said shall be notified to be sold for the purpose of Agriculture in the States mentioned in Column No. 4.

Under those circumstances, this Court is not inclined to pass an interim order as no *prima facie* case appears to have been made out.

JUDGE

Comparing Assistant