

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Seventeenth day of February Two Thousand Sixteen

PRESENT

THE HON'BLE MR.SANJAY KISHAN KAUL THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

WP No.5798 of 2016

THE STATE OF MADHYA PRADESH [PETITIONER]
REP. BY THE ADDL. DIRECTOR OF AGRICULTURE,
DEPARTMENT OF OF FARMER WELFARE & AGRICULTURE
DEVELOPMENT, GOVERNMENT OF MADHYA PRADESH
STATE INSTITUTE OF AGRICULTURE EXTENSION & TRAINING,
BHADBHADA ROAD, BHOPAL, MADHYA PRADESH

Vs

1 THE INTELLECTUAL PROPERTY [RESPONDENTS]
APPELLATE BOARD, CHENNAI, GUNA COMPLEX,
ANNEXE-I, 2ND FLOOR, 443, ANNA SALAI,
TEYNAMPET, CHENNAI-600 018

2 THE AGRICULTURAL AND PROCESSED
FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY,
3, NCUI BUILDING, SIRI INSTITUTIONAL AREA,
AUGUST KRANTI MARG, NEW DELHI-110 016

3 THE ASSISTANT REGISTRAR OF
GEOGRAPHICAL INDICATIONS OFFICE OF THE
GEOGRAPHICAL INDICATIONS REGISTRY,
IP BUILDING, GST ROAD, GUINDY,
CHENNAI-600 032

4 NEW DARPAN SOCIAL WELFARE
SOCIETY, A-11, TILAK NAGAR E-8 EXTENSION,
GULMOHAR COLONY, BHOPAL, MADHYA PRADESH

5 BASMATI GROWERS ASSOCIATION
PATIALA, 1-C BRAR STREET,
HIRA NAGAR, PATIALA-14701, PUNJAB

Writ Petition under article 226 of the Constitutions of
India praying that in the circumstances stated therein and in the
affidavit filed therewith the High Court will be pleased to issue a

AY 0002680

Writ, Order or Direction calling for the records of the 1st respondent in its proceedings in OA/5/2014/GI/CH AND M.P.Nos. 9/2014 In OA/5/2014/GI/CH, dated 5th February, 2016 and quash the same and further direct that the 3rd respondent to de novo hear the entire matter (in WP.5798/2016)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.L.SOMAYAGI SENIOR COUNSEL for M/S.T.K.BHASKAR, Advocate for the petitioner and of MR.P.S.RAMAN SENIOR COUNSEL for MR.C.DANIEL GLADYS DANIEL, RAJENDRA KUMAR Advocate for the 2nd respondent and of MR.P.SANJAY GANDHI Advocate for the 4th respondent and of MR.ASHOK KUMAR Advocate for the 5th respondent the court made the following order:-

The learned Senior Counsel for the petitioner fairly states that the issue of inclusion of certain areas of Madhya Pradesh as Basmati growing areas would have to be examined by the Assistant Registrar of Geographical Indications, in view of the impugned order of the Intellectual Property Appellate Board and there are already directions to conclude that aspect within a period of six months. The issue which is sought to be raised before us, as per the submissions made, is that certain States have been included in toto, while actually what should have been included was certain specified areas of those States where the cultivation of Basmati rice goes on. It is his contention that such plea is not capable of being raised in the proceedings before the Assistant Registrar of Geographical Indications and can be raised before this Court as a consequence of the impugned order.

2. Per contra, it is pleaded by the learned Senior Counsel for respondent No.2 that the petitioner never assailed the earlier order of the Assistant Registrar of Geographical Indications and has thus lost its right to raise this issue as otherwise they could always raise this issue before the Assistant Registrar of Geographical Indications, subject to the meeting of the terms and conditions required for raising such an objection.

3. The aforesaid is the limited controversy which will have to be examined by this Court as agreed to by both sides.

4. Let counter-affidavits be filed by the respondents restricting to the aforesaid aspects within a period of three weeks.

5. Rejoinder, if any be filed within two weeks thereafter.

6. The learned counsel for parties to keep ready short synopsis running into not more than two pages each.

7. List on 05.04.2016 at the end of the Board.

8. The learned counsel for parties assured that they will not take more than one half day between themselves.

-sd/-
17/02/2016

/ TRUE COPY /

VLR Chandrasekhar 13/2/16
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE INTELLECTUAL PROPERTY
APPELLATE BOARD, CHENNAI, GUNA COMPLEX,
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GEOGRAPHICAL INDICATIONS OFFICE OF THE
GEOGRAPHICAL INDICATIONS REGISTRY, IP
BUILDING, GST ROAD, GUINDY, CHENNAI-600 032

C.C. to M/S.T.K.BHASKAR Advocate SR.NO.2441

The Government Advocate, High Court, Madras - 104.

C.C. to MR.C.DANIEL Advocate SR.NO.2335

C.C. to MR.ASHOK KUMAR Advocate on payment of necessary charges

Order

in
WP.5798/2016

Date :17/02/2016

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format
VS 19.02.2016

AY 0002682

HIGH COURT OF JUDICATURE

MADRAS

S. No. 2335

Application Copy Application

Made 17/02/2006

Application Returned 200

Application Represented 200

Copy made ready 19/02/2006

Copy delivered 22/02/2006

for

8/22/2006
Section Officer
C.C.C. Section