



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27904 of 2010

The Southern Zone Timber Importers' Association,
Having its Office at
No.1/828, Courtallam Road,
Piranur, Sengottai 627 809.
Rep. By its President, V.Bhaskaran.

...Petitioner

Vs.

1.The Govt. of India,
Rep. By its Secretary to the Government,
Ministry of Agriculture,
Department of Agriculture and Co-operation,
Krishi Bhawan,
New Delhi 110 001.

2.The Deputy Director,
Plant Protection,
Regional Plant Quarantine Station,
GST Road, Meenambakkam,
Chennai 600 027.

3.The Commissioner of Customs,
Chennai Port,
Chennai.

4.The Commissioner of Customs,
Tuticorin Port,
Tuticorin.

5.The Plant Protection Officer (E),
Plant Quarantine Station,
No.101, Plot No.110,
II Street, CGE Colony,
Tuticorin 628 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the records connected with the office memorandum of the 1st



respondent in F.No.8-56/2010-PP.II dated 30.08.2010, and quash the same as illegal and ultra vires the powers of the respondents.

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.T.L.Thirumalaisamy (For R1, R2 & R5)
Central Government Standing Counsel

Mrs.G.Dhana Madhri (For R3 & R4)
Junior Panel Counsel

ORDER

The learned counsel appearing for the petitioner made a submission that the Plant Quarantine (Regulation of Import into India) Order, 2003, more specifically, Regulations 9(1) and 9(3) are to be clarified by the 1st respondent for the purpose of PQ Clearance Certificate. The learned counsel for the petitioner reiterated that the official memorandum dated 30th August, 2010, is contrary to the Regulations. The Regulations 9(1) and 9(3) are to be distinguished for the purpose of grant of relaxation issued pursuant to the office memorandum dated 30th August, 2010, in view of the fact that the Regulations are not clarified by the 1st respondent and the authorities are unnecessarily harassing the petitioner. The petitioner, in this regard, submitted a representation dated 06.10.2010 and the said representation is also not considered and therefore, the petitioner is constrained to move the present Writ Petition.

2.The issues raised by the petitioner involve certain disputed facts and circumstances. Thus, this Court cannot conduct an enquiry with reference to the documents and evidences, specifically, with reference to the provisions of the Regulations. Such an exercise cannot be done in a writ proceedings and therefore, the authorities competent has to consider the facts, as well as the grounds raised by the petitioner with reference to the said regulations. This being the factum, the 1st respondent is directed to consider the representation dated 06.10.2010 submitted by the petitioner on merits and in accordance with law and dispose of the same as expeditiously as possible and preferably, in a period of twelve weeks. The petitioner is directed to enclose the copy of the said representation and additional grounds, if any, along with the relevant documents, within a period of two weeks from the date of receipt of a copy of this order.



3. With these directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS III)

WEB COPY //True Copy//

Sub Assistant Registrar

gsa
To

1. The Secretary to the Government,
Govt. of India,
Ministry of Agriculture,
Department of Agriculture and Co-operation,
Krishi Bhawan,
New Delhi 110 001.
2. The Deputy Director,
Plant Protection,
Regional Plant Quarantine Station,
GST Road, Meenambakkam,
Chennai 600 027.
3. The Commissioner of Customs,
Chennai Port,
Chennai.
4. The Commissioner of Customs,
Tuticorin Port,
Tuticorin.
5. The Plant Protection Officer (E),
Plant Quarantine Station,
No.101, Plot No.110,
II Street, CGE Colony,
Tuticorin 628 003.

+1cc to Mr.P. Srinivas, Advocate, Sr.30430
+1cc to Mr.T.L. Thirumalaisamy, Advocate, Sr.29984

W.P.No.27904 of 2010

GPL[co]
NSK 19/07/2021