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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.Nos. 14573 & 14574 of 2017
and
W.M.P.Nos. 15796 & 15797 of 2017,
26711 & 24894 of 2018
and
36398 & 35774 of 2019

W.P.No. 14573 of 2017

M/s.Shobikaa Impex Private Limited,
Rep by its Director, Mr.M.Sivasamy,
No.34, Sannathi Street,
Vennimalai Post,
Karur - 06.

...Petitioner

Versus

1. The Director,
Agriculture Department,
Directorate of Agriculture,
Chepauk, Chennai-5.
2. The Deputy Director of
Agriculture (Plant Protection),
State Licensing Authority,
Office of Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai-5.
3. Joint Director of Agriculture
Directorate of Agriculture,
Karur.

...Respondents

W.P.No. 14574 of 2017

M/s.V.K.A. Polymers Private Limited,
Rep. by its Director, Mr.A.Karuppannan
3-A, Covai Road,
Sengunthapuram Post,
Karur - 639 002.

...Petitioner

Versus



1. The Director,
Agriculture Department,
Directorate of Agriculture,
Chepauk, Chennai-5.

2. The Deputy Director of
Agriculture(Plant Protection),
State Licensing Authority,
Office of Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai-5.

3. Joint Director of Agriculture
Directorate of Agriculture,
Karur.

...Respondents

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, after calling for the records from the 2nd respondent in Pa.Paa.Thi 4/128988/2014, dated 02.06.2017 and quash the same.

For Petitioner in
W.P.No.14573 of 2017: Mr.Srinath Sridevan for
Mr.S.Rajmakesh

For Petitioner in
W.P.No.14574 of 2017: Ms.Sashe for
Mr.M.Guruprasath

For Respondents in
both W.P.s : Mr.S.Ravikumar,
Special Govt.Pleader for R1 to R3

C O M M O N O R D E R

These Writ Petitions have been filed challenging the order passed by the 2nd respondent Deputy Director of Agriculture suspending the license granted to them on the ground of violation of license conditions.

2. According to the petitioners, the petitioners are engaged in manufacturing Long Lasting Insecticide Mosquito Net. The licenses have been granted for 13 units for the petitioner in W.P.No.14573 of 2017 and for 16 units for the petitioner in W.P.No.14574 of 2017 respectively. Earlier, show cause notices were issued to the petitioners alleging that, they have violated the license conditions and also violated the mandatory provision prescribed under the Insecticide Act and Rules, for which, the petitioners have given a detailed reply dated 26.05.2017. But,



without considering the reply submitted by the petitioners in proper perspective, the 2nd respondent passed a cryptic and non-speaking order suspending the licenses on the ground that the objections raised by the petitioners are not acceptable. Now, challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for petitioners would submit that, absolutely, they have not violated any of the licence conditions and also there is no mandatory violation under the Insecticide Act and Rules. He would also submit that, for the show cause notices issued by the 2nd respondent, the petitioners have given a elaborate reply along with appropriate materials, but, without considering those objections, and without hearing the petitioner, a cryptic and non-speaking order has been passed by the 2nd respondent suspending the license on the ground that, the reply submitted by the petitioners are not satisfactory, which is amounting to total violation of principles of natural justice and also violation of Sec.14 of the Insecticide Act.

4. Mr.S.Ravikumar, learned Special Government Pleader appearing for respondents 1 to 3 would submit that, after obtaining license, the petitioners have violated the license conditions as well as mandatory provision prescribed under Insecticide Act. He would also submit that the 2nd respondent, only after conducting inspection, issued the show cause notices to the petitioners and also after considering the reply submitted by the petitioners, suspended the licenses granted to the petitioners. Hence, there is no irregularity in it.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

6. The 2nd respondent has issued the show cause notices as early as on 18.05.2017 alleging that, so many license conditions have been violated by the petitioners, for which, the petitioners have also given a detailed reply on 26.05.2017. However, on perusal of the impugned order, it could be seen that none of the objections raised by the petitioners have been considered by the 2nd respondent licensing authority and it has simply passed a cryptic and non-speaking order suspending the license of the petitioners, stating that the reply submitted by them are not acceptable one. It is a well settled law that, the Statutory authority conducting enquiry, should consider the objections and after hearing the parties should pass a reasoned order. In the instant case, without considering the reply submitted by the petitioners, the 2nd respondent had passed the order suspending license of the petitioners in cryptic order. That apart, Sec.14 of Insecticide Act prescribes that adequate



opportunity should be given to the petitioners, but the 2nd respondent without giving any opportunity to the petitioners and without considering the objections in proper perspective simply rejected their objections, which is not permissible under law. Considering those circumstances, this Court is inclined to set aside the impugned order passed by the 2nd respondent and remand the matters back to the 2nd respondent for passing fresh orders after considering entire materials and giving an opportunity of hearing to the petitioners.

7. So far as the impleading petitions are concerned, the proposed party is a Fabrics Manufacturers Association and in the instant case, they are not necessary party to be impleaded as party respondents in the above Writ Petitions. In the said circumstances, the impleading petitions filed in W.M.P. Nos. 36398 and 35774 are liable to be closed. Accordingly, the Impleading Petitions are closed.

8. In the result, these Writ Petitions are allowed and the order dated 02.06.2017 passed by the 2nd respondent is set aside and the matters are remanded back to the 2nd respondent. The 2nd respondent is directed to consider the objections submitted by the petitioners and pass suitable orders on merits and in accordance with law after giving opportunity of hearing to the petitioners. The above exercise should be completed within a period of twelve weeks from the date of receipt of copy of this order. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

rpp

To

1. The Director,
Agriculture Department,
Directorate of Agriculture,
Chepauk, Chennai-5.
2. The Deputy Director of
Agriculture (Plant Protection),
State Licensing Authority,
Office of Directorate of Agriculture,
Department of Agriculture,
Chepauk, Chennai-5.



3. The Joint Director of Agriculture
Directorate of Agriculture,
Karur.

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+2cc to Ms.Mythili Srinivas, Advocate, S.R.No.27931, 27932

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.28218

+1cc to the Government Pleader, S.R.No.28168

W.P.Nos. 14573 & 14574 of 2017

GPL (CO)
RN (23/05/2022)