



W.P.(MD)No.2102 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.2102 of 2022

and

W.M.P.(MD) Nos.1804 & 1805 of 2022

Dr.M.Solomon Bernard Shaw

....Petitioner

Vs.

1.Registration Committee

Constituted U/s 5 of the Insecticide Act, 1968,
Through Secretary,
Central Insecticide Board and Registration Committee,
NH4, CGO Complex,
Faridabad - 121 001.

2.Union of India

Represented by its Joint Secretary (Plant Protection)
Department of Agriculture,
Cooperation and Farmer Welfare,
Krishi Bhawan, Dr.Rajendra Prasad Road,
New Delhi - 110 001.



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3.Union of India,
Represented by Director,
National Vector Borne Disease Control Programme
Directorate General of Health Services
Ministry of Health and Family Welfare
22, Shanthi Nath Marg,
New Delhi - 110 054.

4.Union of India
Represented by Director,
National Center for Disease Control,
4, Siri Institutional Area,
Hauz Khas,
New Delhi - 110 016.

5.Indian Council of Medical Research,
Through the Director General,
V.Ramalingaswami Bhawan,
P.O. Box No.4911,
Ansari Nagar,
New Delhi - 110 029.

6.M/s.Shobikaa Impex Pvt. Ltd.,
Through its Managing Director,
34, Sannathi Street,
Vennaiimalai (P.O.),
Karur - 639 006,
Tamil Nadu.

....Respondents

(Sixth respondent is impleaded vide Court order,
dated 14.06.2022 in W.M.P.(MD) No.7824 of 2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India, praying for a Writ of Certiorari to call for the records and to quash



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the decision taken by the Respondent No.1 in its 435th meeting dated 23.12.2021 relating to Agenda No.11.2.

For Petitioner : Mr.R.Parthiban
For R1 to R5 : Mrs.L.Victoria Gowri,
Assistant Solicitor General of India
For R6 : Mr.Raguvaran Gopalan

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

We find absolutely no Public Interest in this litigation as it is obvious that even without impleading the aggrieved person, namely, M/s.Shobikaa Impex Pvt. Ltd., the present writ petition has been filed seeking to challenge the licence that has been granted to M/s.Shobikaa Impex Pvt. Ltd., under Section 9(3) of the Insecticides Act, 1968 for the manufacture of LLINs (Long Lasting Insecticides Impregnated Bed Nets), which is a mosquito net, in which, admittedly, Alphacypermethrin, an insecticide, is used for preventing the entry of mosquitoes.

2. Admittedly, M/s.Shobikaa Impex Pvt. Ltd., was granted a provisional licence under Section 9(3)(B) of the Insecticides Act for the



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manufacture of LLIN with 0.55% of Alphacypermethrin for a period of two years from 2017 to 2019. After the provisional licence expired, they made a fresh application to the authorities for the grant of licence to use 0.58% of Alphacypermethrin instead of 0.55%. The Registration Committee constituted under the Insecticides Act, 1968 which consists of domain experts, considered the request of M/s.Shobikaa Impex Pvt. Ltd., and decided not to grant licence for using 0.58% and instead, had granted licence for the use of 0.55% vide the impugned order, dated 23.12.2021.

3. The petitioner claiming himself to a public spirited person has filed the present Public Interest Litigation without even impleading M/s.Shobikaa Impex Pvt. Ltd., alleging that the usage of 0.58% of Alphacypermethrin would be injurious and has obtained a stay order on 03.02.2022. However, on coming to know of this, M/s.Shobikaa Impex Pvt. Ltd., has filed an impleading application in W.M.P.(MD) No.7841 of 2022 and brought to the notice of this Court that M/s.Shobikaa Impex Pvt. Ltd., themselves, were not happy with the order, dated 23.12.2021 and had made an appeal to the appellate authority under Section 10 of the Insecticides Act. The appellate authority appears to have passed an



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order, dated 21.03.2022 setting aside the order of the Registration Committee and remanded the matter to the Registration Committee for fresh consideration.

4. In such view of the matter, without disclosing all these details and without impleading M/s.Shobikaa Impex Pvt. Ltd., the present Public Interest Litigation is absolutely a motivated one and it deserves to be dismissed with heavy costs.

5. Accordingly, this Writ Petition is dismissed with the cost of Rs.50,000/- (Rupees Fifty Thousand only) payable to M/s.Shobikaa Impex Pvt. Ltd., by the petitioner within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

[P.N.P.,J.] & [S.A.I.,J.]
14.06.2022

Index : Yes/No
Internet : Yes/No
RM



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and

S.ANANTHI, J.

RM

ORDER MADE IN

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(2/2)

14.06.2022