



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5400 of 2022

and

W.M.P. [MD]Nos.4392 to 4394 of 2022

WEB COPY

1.M/s.Tamil Nadu Fertilizer Wholesalers Association,
Rep by its President,
A.Natarajan,
S/o. KR.Arunachalam,
2397/1, Head Post Office Road,
Pudukkottai District.

2.S.Selvarajan

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Agriculture,
Fort St. George,
Chennai.

2.The Director of Agriculture,
Directorate of Agriculture,
Chepuak,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order in FCO5/49820/2020 dated 07.07.2020 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.Mahaboob Fazil
for Mr.T.Lajapathi Roy

For Respondents 1&2 : Mrs.S.Jeyapriya
Government Advocate

O R D E R

This Writ Petition has been filed challenging the order dated 07.07.2020 passed by the second respondent under which the fertilizer suppliers are prohibited from supplying fertilizers from one District to another.

2.Heard Mr.Mahaboob Fazil, for Mr.T.Lajapathi Roy, learned Counsel appearing for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of the respondents



3. At the outset, learned Government Advocate appearing for the respondents would submit that no order has been passed against the petitioner but it is only an internal communication.

4. However, learned Counsel for the petitioner drew the attention of this Court to the various orders passed in respect of other districts and would submit that in due course, similar order will be passed for all the Districts in Tamil Nadu.

5. Learned Counsel for the petitioner also drew the attention of this Court to the proviso to Clause 3 of the Fertiliser (Movement Control) Order, 1973 and would submit that the prohibition can be made applicable only for inter-state sales and not for inter-district sales. The petitioner has already given a representation on 11.08.2021 to the second respondent requesting the second respondent not to prohibit their members from selling the fertilizers from one district to another. Admittedly, the said representation has not been considered till date.

6. Since no final orders have been passed against the petitioner association or its members prohibiting them from selling fertilizers to other districts, the petitioner's interest will be protected if the petitioner's representation referred to supra is considered on merits and in accordance with law after affording a fair hearing to the petitioner including its authorised representative a right of personal hearing. No prejudice would be caused to the respondents also if such an exercise is done.

7. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 11.08.2021 requesting the second respondent not to prohibit its members to effect sales from one district to another and pass final orders on merits and in accordance with law within a period of eight [8] weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner including granting its authorised representative a personal hearing.

8. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

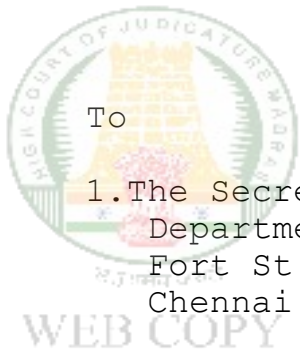
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/ /2022

Sub Assistant Registrar (CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to the Government of Tamil Nadu,
Department of Agriculture,
Fort St. George,
Chennai.

2.The Director of Agriculture,
Directorate of Agriculture,
Chepuak,
Chennai - 600 005.

+1 CC to M/s.SPL GP (SR-15061[F] dated 29/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15223[F] dated
30/03/2022)

W.P. [MD]No.5400 of 2022
28.03.2022

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