



WEB COPY

W.P(MD)No. 9138 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 9138 of 2017

and W.M.P.(MD) Nos. 6954, 6955 & 8225 of 2017

M.Seyalmurugan

.. Petitioner

-Vs-

1.The Joint Secretary to the
Government of India,
(Plant Protection),
Ministry of Agriculture,
Krishi Bhawan, New Delhi.

2.The Joint Secretary /
The Plant Protection Adviser,
to the Government of India,
Directorate of Plant Protection Quarantine & Storage
(DPPQS),
Department of Agriculture & Cooperation,
Government of India,
N.H.-IV, Faridabad, 120001 (Haryana).

3.The Under Secretary to the
Government of India,
Ministry of Agriculture & Farmers Welfare
Department of Agriculture,
Cooperation & Farmers Welfare,
Krishi Bhawan, New Delhi.

4.The Plant Protection Officer(PP),
Plant Quarantine Station,
Door No.101, Plot NO.110, II Street,
CGE Colony, Tuticorin.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned office memorandum dated 05.05.2017 in No.8-18/2017.PP.II issued by the third respondent and quash the same.

For Petitioner : Mr.C.Mayilvahana Rajendiran

For Respondents : Ms.L.Victoria Gowri
Assistant Solicitor General of India
assisted by
Mr.P.Paul Pandi for R1 to R4



ORDER

[Made by PARESH UPADHYAY, J.]

1. This petition is filed as public interest litigation (vide averments made in para:4 of the petition).

2. The prayer clause in the writ petition reads as under:-

"For the reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue a Writ or Certiorari or any other order or direction the nature of the Writ, calling for the records pertaining to the impugned office memorandum dated 05.05.2017 in No.8-18/2017.PP.II issued by the third respondent and quash the same."

3. This Court had on 17.05.2017 passed the following order:-

"Notice to respondents returnable by two weeks. There shall be an order of interim stay till then."

4. The matter is not heard thereafter. Registry has submitted note pointing out that, not less than hundred matters are filed in this Court by aggrieved parties, with same or similar grievance and the above noted interim order of the Division Bench has governed the interim arrangement on those petitions. It is also noticed that, because of pendency of this petition, which is in the form of public interest litigation, other matters are not being taken up. It is under these circumstances, we have heard learned advocate for the petitioner and learned Assistant Solicitor General of India.

5. Since number of petitions are filed by aggrieved parties, which are pending before this Court before appropriate Bench as per Roster, in the event this petition is entertained on merits, it may have consequential effect on right of appeal of an aggrieved party by way of an intra-court appeal and therefore we have thought it proper not to examine the merits of the grievance in this public interest litigation, leaving it open to the aggrieved parties who are already before this Court, to agitate the grievance in respective petitions.

6. For the above reason, the following order is passed:-

6.1 This petition is closed. No costs. Consequently, connected miscellaneous petitions would not survive.

6.2 Interim order dated 17.05.2017 is vacated.



6.3 We make it clear that, vacating interim order in this petition itself is not automatic vacation of interim orders operating in respective writ petitions and those matters may be heard on its own merits, by learned Single Judge, as per Roster.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Secretary to the
Government of India,
(Plant Protection),
Ministry of Agriculture,
Krishi Bhawan, New Delhi.

2.The Joint Secretary /
The Plant Protection Adviser,
to the Government of India,
Directorate of Plant Protection Quarantine & Storage
(DPPQS),
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3.The Under Secretary to the
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Department of Agriculture,
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4.The Plant Protection Officer(PP),
Plant Quarantine Station,
Door No.101, Plot NO.110, II Street,
CGE Colony, Tuticorin.

5.The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.



+1 CC to M/s.P. PAULPANDI, Advocate (SR-16594[F] dated 05/04/2022)

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-16985[F] dated
06/04/2022)

W.P (MD) No. 9138 of 2017
05.04.2022

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