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W.P.No.16789 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 12.04.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.16789 of 2017**

TamilNadu High Density Poly Ethylene Knitted Fabrics  
Manufacturers Association represented by its  
President Mr.C.Suresh Kumar B.A., B.L.,  
Plot No.19 and 20, Karur Aathur Industrial Estate  
(SIDCO)  
Vennamalai PO Karur District – 639 006  
Tamil Nadu State  
South India.

...Petitioner

Vs.

- 1.The Secretary,  
Ministry of Health and Family Welfare,  
Government of India,  
Nirman Bhavan Moulana Azad Road,  
New Delhi – 110 011.
- 2.The Director,  
National Vector Bone disease Control Programmes  
(NVBDGP) DMRC Buildings, Block No.3,  
Ground Floor,  
Delhi IT Park, Shastri Park, Delhi – 110 053.
- 3.The Joint Director of Health Services,  
National Vector Bone Disease Control Programmes  
(NVBDGP) Unit 6, Behind Capital Hospital,  
Bhubaneswar, Odisha.



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4.The Secretary,  
Central Insecticides Board and Registration Committee,  
NH IV, CGO Complex, Faridabad, Hariyana.

5.The Deputy Director of Agriculture,  
(Plant Protection)  
The State Licensing Authority,  
Directorate of Agriculture,  
Chepauk, Chennai – 600 005.

6.The Joint Director of Agriculture,  
Collectorate campus, Karur.

7.Mr.M.Sivasamy,  
The Managing Director,  
M/s.Shobikaa Impex Pvt Ltd.,  
No.34, Sannathi Street, Vennamalai PO  
Karur – 639 006.

..Respondents

**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the writ petitioner's representation dated 09.01.2017 followed by the reminder dated 25.01.2017 filed to take stern action against the 7<sup>th</sup> respondent for the illegal supply of 69,22,391 numbers of LLINs Mosquito bed nets and prosecute the 7<sup>th</sup> respondent under Section 25 of the Insecticides Act, 1968.



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For Petitioner : Mr.Shankar Murali

For R1 : Mr.N.Vijaya Raman  
Central Government Standing Counsel

For R2 to R4 : Not ready in notice

For R5 & R6 : Mr.S.Ravichandran  
Additional Government Pleader

For R7 : Mr.Srinath Sridevan  
Senior Counsel  
For Mr.S.Rajmakesh

### **ORDER**

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 6 to consider the representation submitted by the writ petitioner on 09.01.2017 followed by the reminder dated 25.01.2017 filed by the petitioner to take stern action against the 7<sup>th</sup> respondent for the illegal supply of 69,22,391 numbers of LLINs Mosquito bed nets and prosecute the 7<sup>th</sup> respondent under Section 25 of the Insecticides Act, 1968.

2. The learned Central Government Standing Counsel appearing on behalf of the first respondent made a submission that no such representations were received by the 1<sup>st</sup> respondent and therefore, the very relief cannot be considered by this Court.



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**WEB COPY** 3. The learned Senior counsel appearing on behalf of the 7<sup>th</sup> respondent contended that the petitioner has filed several writ petitions and other proceedings on account of business rivalry and therefore, the present writ petition is also motivated. In respect of the list of cases filed by the petitioner, the learned Senior counsel for the 7<sup>th</sup> respondent has submitted the list of cases as detailed hereunder:

**LIST OF CASES FILED BY THE PETITIONER ASSOCIATION AGAINST  
THE 7<sup>TH</sup> RESPONDENT BEFORE DIFFERENT COURTS/FORUMS**

1. The Petitioner herein as on date has filed the following cases as against the 7<sup>th</sup> Respondent before various forums and have obtained adverse orders. The tabular column will show the list of the cases filed by the Petitioner against this Respondent.

| S. No | Tribunal or Courts /Case Number                                  | Order date | Remarks                                                                                                                                                                                                                                                                                                                      |
|-------|------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Application No: 273/2014<br><br>National Green Tribunal, Chennai | 15.12.2015 | <b>PETITION DISMISSED. FINDINGS EXTRACTES AS UNDER:</b><br><br>26) The applicant has not produced any evidence of misuse of the permission granted to the 5th and 6th respondents or for that matter against any other particular LLIN manufacturing unit to prove that they are selling the products in the domestic market |



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|---|--------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                              |            | <p>and causing pollution and health hazard to the public. Therefore, based on the aforesaid record placed before us and having heard the parties at length, we agree with the contentions put forward by the 4th, 5th and 6th respondents. Since, the test results show that the alpha-cypermethrin is in such low concentration far below the registered value and the waste material is sent only to the authorized mother unit for reuse or recycling as approved by the Board after the test results, we see no merits in the averments made by the applicant that the respondent companies are allegedly involved in the illegal sale of hazardous waste materials and misusing the export quota thereby causing pollution and damaging the health of the people.</p> <p>27) Accordingly, the application stands dismissed as it is devoid of merits both on facts and in law. However, there is no order as to costs.</p> |
| 2 | <p>WP No: 8408 and 8409 of 2015</p> <p>Madras High Court</p> | 21.04.2022 | <p><b>WP DISPOSED WITH DIRECTIONS AS UNDER:</b></p> <p>8. Considering the fact that, by virtue of interim order passed by this court, staying impugned order passed by the 1<sup>st</sup> respondent, the petitioner is continue to run the business till date, the impugned order passed by revoking licence shall not be given effect to till the order passed by the 1st respondent and liberty is granted to the 4<sup>th</sup> Respondent to raise all his contentions before the 1<sup>st</sup> Respondent.</p>                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3 | <p>WP(MD) No: 10269 of 2016</p> <p>Madurai High Court</p>    | CAV        | Judgment reserved                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4 | <p>WP No: 3096 of 2017</p> <p>Madras High Court</p>          | 21.07.2022 | Writ Petition dismissed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5 | <p>WP (MD) No: 6790 of 2019</p>                              | 08.12.2022 | Writ Petition dismissed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



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|---|------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Madurai High Court<br>W.P (MD) No:<br>2102 of 2022<br><br>Madurai High Court | 14.06.2022 | <b>WRIT PETITION DISMISSED.<br/>FINDINGS AS UNDER:</b><br><br>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 order, dated 21.03.2022 setting aside the order of the Registration Committee and remanded the matter to the Registration Committee for fresh consideration.<br><br>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.<br><br>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. |
|---|------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Dated at Chennai at this the 10<sup>th</sup> day of April 2023.

Counsel for 7<sup>th</sup> Respondent



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4. In view of the fact that the representation allegedly sent by the petitioner had not been received by the 1<sup>st</sup> respondent, no relief needs to be considered in respect of the present writ petition.

5. Accordingly, the writ petition stands dismissed. No costs.

**12.04.2023**

Index : Yes  
Speaking order  
Neutral Citation: Yes  
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To

1. The Secretary,  
Ministry of Health and Family Welfare,  
Government of India,  
Nirman Bhavan Moulana Azad Road,  
New Delhi – 110 011.
2. The Director,  
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**S.M.SUBRAMANIAM, J.**

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