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W.P.(MD)NO.25261 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25261 of 2023 AND
W.M.P.(MD)Nos.21449 & 22545 of 2023

National Fertilizer Company,
Rep. by its Partner P.Amuthan,
No.186, 3/B, Periyar Nagar Road,
Avaniyapuram,
Madurai – 625 012.

... Petitioner

Vs.

1. The Commissioner / Additional Director (SEEDS),
Agricultural Department,
Chepauk, Chennai – 600 005.
2. The District Collector,
Madurai District,
Collectorate,
Madurai – 625 020.
3. The Joint Director (Incharge),
Agriculture Department,
Tallakulam,
Madurai – 625 002.
4. The Assistant Director,
Agriculture Department,
Tiruparankundram,
Madurai – 625 005.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Che.Mu.A.En.Thi9-16349-2021(2) dated 20.09.2023 on the file of the third respondent herein and to quash the same and consequently directing the third respondent to release the IFMS(1396353) so as to enable the petitioner to purchase the raw materials.

For Petitioner : Mr.Subbiah,
Senior Counsel,
for Ms.P.Jessi Jeeva Priya.

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.M.Sidharthan,
Additional Government Pleader.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Additional Advocate General appearing for the respondents.

2. The writ petitioner was granted fertilizer mixing unit licenses. By the impugned order, they were cancelled. As per Clause 31(3) of the Fertilizer (Inorganic, Organic or Mixed



(Control) Order 1985, the cancellation order must refer the brief statement of the reasons for such cancellation.

3. In this case, show cause notice was issued by the Joint Director of Agriculture, Madurai on 07.08.2023. The petitioner offered his reply on 20.08.2023 denying the allegations. The impugned order merely states the petitioner's explanation is not acceptable. No reason has been set out.

4. The learned Additional Advocate General would contend that before issuing show cause notice dated 07.08.2023, the petitioner was put on notice on 01.06.2023 and the petitioner's reply dated 05.06.2023 virtually amounts to accepting his guilt.

5. However, it is well settled that an order has to speak for itself. When the statutory requirement is that brief statement of the reasons for cancellation must be made, failure to do so on the part of the respondents goes to the root of the matter. It is for this reason, I am constrained to interfere, even though the petitioner is very much having appeal remedy.



6. The order impugned in this writ petition stands set aside. This writ petition stands allowed. The matter is remitted to the file of the third respondent to pass order afresh on merits and in accordance with law. Considering the special facts and circumstances of this case, the petitioner is directed to offer his representation within a period of ten days from the date of receipt of a copy of this order and the same will be duly considered while passing fresh order by the third respondent. No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Commissioner / Additional Director (SEEDS),
Agricultural Department, Chepauk, Chennai – 600 005.
2. The District Collector,
Madurai District, Collectorate, Madurai – 625 020.
3. The Joint Director (Incharge),
Agriculture Department, Tallakulam, Madurai – 625 002.
4. The Assistant Director,
Agriculture Department, Tiruparankundram,
Madurai – 625 005.



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G.R.SWAMINATHAN,J.

PMU

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