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W.P.Nos.306 & 312 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.306 & 312 of 2022 and
WMP.Nos.337, 338, 339, 340, 341, 342, 345, 346 & 348 of 2022

WP.No.306 of 2022

M.A.Timber Traders,
No.-15a/1, School Street Nerkundram,
Chennai, Tamilnadu 600 107
Through its authorized Signatory,
M.A.Zahir Hussain

... Petitioner

Vs.

- 1.The Union of India,
Through its Secretary,
Ministry of Agriculture and Farmers
Welfare, Department of Agriculture,
KrishiBhavan, New Delhi 110 001
- 2.The Plant Protection Officer,
Directorate of PPQ & Ministry of
Agriculture & Farmers Welfare
NH-IV, Faridabad 121 001
- 3.The Officer in Charge,
Plant Quarantine Station,
Regional Plant Quarantine Station(RPQS),
GST Road, Near Trident Hotel,
Meenabakam, Chennai 600 027
- 4.Director of Plant Protection
Plant Protection
Ministry of Agriculture & Farmers Welfare



W.P.Nos.306 & 312 of 2022

Room No:297-D, KrishiBhawan,
New Delhi 110 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records and quash the condition no.3 of impugned Office Memorandum No. 8 - 131 / 2016-PP.II dated 28.06.2017 (Annexure-A1) impugned Office Memorandum No.8-131 / 2016 - PP.II dated 27.12.2018 (Annexure-A2) and Office Memorandum No. 8 - 325 / 2019 - PP.II dated 19.06.2020 (Annexure-A3) Clause 14(2) of Chapter VI of the PQ Order 2003 (Annexure -B) as arbitrary, illegal, unconstitutional and unreasonable issued by respondent and consequentially direct the respondents to not to insist only for Methyl Bromide as fumigation agent and permit the equivalent fumigation treatment / agent in accordance with the Regulation 9 of PQ Order 2003 under PQ Order 2003 without any payment of any additional fees/charges / fine/ penalty and to approve quarantine clearance by issuing NOC for the consignment and permit the petitioner to unload/remove the timber with one time inspection fees, without charging of any additional or penal fees/fine/ penalty.

For Petitioner : No appearance



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For Respondents : Mr.K.Subbu RanGa Bharathi,
Central Government Standing Counsel

WP.No.312 of 2022

Everest Timber Traders,
No.-65/2A, Kundrathur High Road,
Madhanandapuram, Porur,
Chennai, Tamilnadu 600 116
Through its authorised Signatory
M.A.Mohamed Ansar

... Petitioner

Vs.

- 1.The Union of India,
Through its Secretary,
Ministry of Agriculture and Farmers
Welfare, Department of Agriculture,
KrishiBhavan, New Delhi 110 001
- 2.The Plant Protection Officer,
Directorate of PPQ & Ministry of
Agriculture & Farmers Welfare
NH-IV, Faridabad 121 001
- 3.The Officer in Charge,
Plant Quarantine Station,
Regional Plant Quarantine Station(RPQS),
GST Road, Near Trident Hotel,
Meenabakam, Chennai 600 027
- 4.Director of Plant Protection
Plant Protection
Ministry of Agriculture & Farmers Welfare
Room No:297-D, KrishiBhawan,
New Delhi 110 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue Writ of Certiorarified Mandamus calling for the records and quash and set aside the the condition no.3 of impugned Office Memorandum No. 8 - 131 / 2016-PP.II dated 28.06.2017 (Annexure-A1) impugned Office Memorandum No.8-131 / 2016 - PP.II dated 27.12.2018 (Annexure-A2) and Office Memorandum No. 8 - 325 / 2019 - PP.II dated 19.06.2020 (Annexure-A3) Regulation 14(2) of Chapter VI of the PQ Order 2003 (Annexure -B) as arbitrary, illegal, unconstitutional and unreasonable issued by respondent and consequentially direct the respondents to not to insist only for Methyl Bromide as fumigation agent and permit the equivalent fumigation treatment / agent in accordance with the Regulation 9 of PQ Order 2003 under PQ Order 2003 without any payment of any additional fees/charges / fine/ penalty and to approve quarantine clearance by issuing NOC for the consignment and permit the petitioner to unload/remove the timber with one time inspection fees, without charging of any additional or penal fees/fine/ penalty.

For Petitioner : No appearance

For Respondents : Mr.K.Subbu RanGa Bharathi,
Central Government Standing Counsel



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COMMON ORDER

These writ petitions have been filed to issue Writ of Certiorarified Mandamus calling for the records and quash the condition no.3 of impugned Office Memorandum No. 8 - 131 / 2016-PP.II dated 28.06.2017 (Annexure-A1) impugned Office Memorandum No.8-131 / 2016 - PP.II dated 27.12.2018 (Annexure-A2) and Office Memorandum No. 8 - 325 / 2019 - PP.II dated 19.06.2020 (Annexure-A3) Clause 14(2) of Chapter VI of the PQ Order 2003 (Annexure -B) as arbitrary, illegal, unconstitutional and unreasonable issued by respondent and consequentially direct the respondents to not to insist only for Methyl Bromide as fumigation agent and permit the equivalent fumigation treatment / agent in accordance with the Regulation 9 of PQ Order 2003 under PQ Order 2003 without any payment of any additional fees/charges / fine/ penalty and to approve quarantine clearance by issuing NOC for the consignment and permit the petitioner to unload/remove the timber with one time inspection fees, without charging of any additional or penal fees/fine/ penalty.



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2. When the matter was listed on 06.06.2024, there was no representation on behalf of the petitioners. Therefore, the matter was ordered to be listed on 10.06.2024 under the caption “for dismissal”. Even today i.e. 10.06.2024, no one appeared on behalf of the petitioners.

3. Therefore, both the writ petitions are dismissed for non prosecution. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

10.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

1. Secretary,
The Union of India,
Ministry of Agriculture and Farmers
Welfare, Department of Agriculture,
KrishiBhavan, New Delhi 110 001
2. The Plant Protection Officer,
Directorate of PPQ & Ministry of
Agriculture & Farmers Welfare
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G.K.ILANTHIRAIYAN, J.

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