



W.P(MD)No.7813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7813 of 2024

1.M/s.Shobikaa Impex Private Limited,
Represented by its Authorized Representative,
34, Sannathi Street,
Vennaiimalai Post,
Karur – 639 006.

2.M.Sivasamy

... Petitioners

Vs.

1.The Registration Committee,
Through Secretary,
Central Insecticide Board and
Registration Committee,
Department of Agriculture,
Directorate of Plant Protection
Quarantine & Shortage,
NH – IV,
CGO Complex,
Faridabad – 121 001.

2.Union of India,
Represented by the Ministry of
Agriculture and Farmers Welfare,



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Department of Agriculture and Co-operation,
Krishi Bhawan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.

3.Union of India,
Represented by the Ministry of Health
and Family Welfare,
Nirman Bhawan,
C-Wing,
New Delhi – 110 001,
Phone: 011 23061863.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to implement the order dated 21.03.2022 of the Appellate Authority issued under Section 11 of the Insecticides Act, 1968, within three (3) weeks.

For Petitioners : Mr.G.Raghuvaran Gopalan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Deputy Solicitor General of India appearing for the respondents.



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2.The only request made by the petitioners is that the first respondent must comply with the direction issued by the appellate authority under Section 10 of the Insecticide Act, 1968. The petitioners applied for registration for LLIN containing 0.58% concentration. However, registration committee gave registration certificate for 0.55%. Aggrieved by the same, the petitioners filed appeal. The appeal was allowed on 21.03.2022 in the following terms:

“10. The appeal is, accordingly, allowed. The impugned decision of the RC to grant registration in favour of the Appellant u/s 9(3) for manufacture of Alphacypermethrin incorporated Long Lasting Insecticidal Nets (LLIN) at a concentration of 0.55% w/w, in its 435th RC meeting held on 23.12.2021, vide agenda item 11.2, is hereby set aside. It is further ordered that the RC shall consider granting registration of the insecticide for indigenous manufacturer by the Appellant, at the concentration claimed in Form I, and as per technical information available on record. RC shall consider this within a period of one month.”

The grievance of the petitioners is that this direction is yet to be complied with.



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3.The learned Deputy Solicitor General of India on the other hand submitted that it is not as if the registration committee had slept over the matter. He drew my attention to the materials enclosed in the typed set of papers which indicate that the matter was under the active consideration of the registration committee.

4.While I will not blame the first respondent for not have been passed an order so far, I am clearly of the view that the issue cannot brook further delay. This is particularly because the learned Deputy Solicitor General of India would contend that they are collecting further inputs and reports. As rightly pointed out by the learned counsel appearing for the petitioners, the appellate authority had indicated that the registration committee should take a call as per technical information available on record or in the next meeting whichever is later.

5.I therefore direct the first respondent to pass order as envisaged in the order of the appellate authority. This shall be done within a period of three months from the date of receipt of a copy of this order.



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6.This writ petition is disposed of accordingly. There shall be no order as to costs.

27.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Secretary,
Registration Committee,
Central Insecticide Board and
Registration Committee,
Department of Agriculture,
Directorate of Plant Protection
Quarantine & Shortage,
NH – IV, CGO Complex,
Faridabad – 121 001.

2.The Ministry of
Agriculture and Farmers Welfare,
Union of India,
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G.R.SWAMINATHAN, J.

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