



W.A.(MD)No.240 & 241 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2026**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)Nos.240 & 241 of 2026
and C.M.P.(MD)Nos.2630 & 2631 of 2026

1.The Competent Authority,
(Department of Agriculture and Farmers Welfare),
Ministry of Agriculture and Farmers Welfare,
Krishi Bhavan,
New Delhi-110 001.

2.Registration Committee through,
Secretary Central Insecticides Board and
Registration Committee,
Old CGO Complex,
NH-IV Faridabad,
Harayana-121 001.

... Appellants

Vs.

Karur District LLIN Fabric and
Bednet Manufacturers Welfare Association
Represented by its Secretary
Shri P.Chidhambaram,
672/1, Indira Nagar,
Puliyur CF Post,
Karur-639 114.

...Respondent in
W.A.(MD)No.240/ 2026

M/s.VKA Polymers Private Limited,
Rep.by its Director Shri.Arvind V.Karuppannan,



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No.9/939, Cheran Nagar,
Chinna Andan Kovil Road,
Karur-639 002.

...Respondent in
W.A.(MD)No.241/ 2026

COMMON PRAYER:- Writ Appeals – filed under Clause 15 of the Letters Patent, to allow the appeals and set aside the common order of this Court made in W.M.P.(MD)No.25571 & 26998 of 2025 in W.P.(MD)No.32496 & 34177 of 2025, dated 28.11.2025.

For Appellants : Mr.AR.L.Sundaresan
(In both Appeals) Additional Solicitor General
assisted by Mr.K.Govindarajan

For Respondent : Mr.M.Ajmalkhan,
(in both Appeals) Senior Counsel
for Mr.S.Thanka Sivam

COMMON JUDGMENT

(Judgment of the Court was delivered by **N.SATHISH KUMAR, J.**)

These Writ Appeals have been filed challenging the interim order passed by this Court in W.M.P.(MD)Nos.25571 & 26998 of 2025 in W.P.(MD)NoS.32496 & 34177 of 2025, dated 28.11.2025.



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2. The above said Writ Petitions have been filed seeking a direction to the respondents to declare the impugned direction of the letter bearing F.No.13035/37/2018-PP-I-Part(I), dated 15.09.2025 issued by the 1st respondent and the decision of the 2nd respondent to comply with the impugned direction in the 467th Registration Committee Meeting as null and void, being arbitrary and violative of Article 19(1)(g) of the Constitution of India.

3. It is stated by the Writ Petitioners that 2nd respondent is a statutory body constituted under Section 5 of “the Insecticides Act, 1968” (hereinafter referred to as “the Act”). As per Section 5(5) of the Act, the 2nd respondent is empowered to regulate its own procedure and the conduct of the business to be transacted by it. Further, as per Rule 4 of “the Insecticides Rules, 1971” (hereinafter referred to as “the Rules”), the 2nd respondent is empowered to carry out such other incidental or consequential matters necessary for carrying out the functions assigned to it under the Act or the Rules. Therefore, the 2nd respondent enjoys autonomy in granting registration as per the provisions of the Act and to take necessary incidental and consequential decisions for granting registration in line with the fundamental purpose of the Act ie., to



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regulate import, manufacture, sale transport, distribution and use of insecticides with a view to prevent risk to human beings or animals and for matters connected therewith.

4. It is further stated that 2nd respondent has been providing extensions to the provisional registration under Section 9(3B) of the Act, within its powers to enable the LLIN manufactures to conduct the bio efficacy test in accordance with the ICMR protocols and to address the practical difficulties faced by LLIN manufactures in obtaining the bio efficacy data which is required for applying to regular registration under Section 9 of the Act. Section 9(3B) of the Act, does not prohibit the 2nd respondent to grant extension of provisional registration. As per Section 5 of the Act, the 2nd respondent only has the power to deal with the registration activity specified under Section 9 of the Act. Therefore, these Writ Petitions have been filed on the premise that the 1st respondent has taken a decision not to grant extension of provisional registration under Section 9(3B) of the Act. Hence, the 1st respondent lacks the authority to make such decision and to direct a compliance by the 2nd respondent. Hence, the direction issued by the first respondent to comply with the impugned direction is liable to be declared as null and void, on



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the ground that it is in violation of the fundamental right to carry on any occupation, trade or business, guaranteed under Article 19(1)(g) of the Constitution of India.

5. The learned Single Judge, though declaration is sought in respect of the impugned direction issued on 15.09.2025, has passed a detailed order staying the impugned order. Challenging the same, the present appeals have been filed.

6. Mr. A.R.L. Sundaresan, learned Additional Solicitor General of India, appearing for the appellants, would contend that though the order appears to be interim in nature, the learned Single Judge has examined the merits and granted the main relief in the interim order itself. The learned Single Judge has also interpreted Sections 9(3) and 9(3B) of the Act without affording the parties an opportunity to file a counter-affidavit. It is his contention that Section 9(3-B) of the Act applies only when an insecticide is introduced for the first time in India, in which case provisional registration is granted for a period of two years pending enquiry, whereas Section 9(3) of the Act applies only to insecticides whose efficacy has already been tested. Hence, Sections 9(3)



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and 9(3-B) of the Act operate in two different fields. However, the learned Single Judge, by interpreting the aforesaid provisions, entering into the merits, and granting a declaration in the form of interim relief itself, has passed an order that cannot be sustained in the eye of law.

7. Though much emphasis has also been laid on the issuance of a licence and the testing of its efficacy, the main contention is that the learned Single Judge has gone into the merits and decided the main relief itself. Hence, according to him, the same is amenable to appeal, as it amounts to a 'judgment' within the meaning of Clause 15 of the Letters Patent.

8. On the other hand, the learned Senior Counsel appearing for the respondents would submit that the Writ Appeals are not maintainable against the interim order. The learned Single Judge has merely stayed the impugned direction issued by the first appellant dated 15.09.2025, upon recording a prima facie view and issuing notice. Hence, the appellants can very well file an application to vacate the interim stay. Therefore, the Writ Appeals are not maintainable.



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9. In view of the above submissions, we have perused the interim order passed by the learned Single Judge. Though considerable emphasis was also placed on the merits of the case, we are not inclined to deal with the merits, for the simple reason that any discussion on the merits in this appeal would amount to deciding the writ petitions itself.

10. The main issue raised in the Writ petitions pertain to the power of the Registration Committee under the Act while granting a licence. The impugned communication issued by the first respondent dated 15.09.2025 states that, as per Section 9(3-B) of the Act, where an insecticide is introduced for the first time in India, the Registration Committee may, pending enquiry, grant provisional registration for a period of two years on such conditions as may be specified. Accordingly, extension of the provisional registration beyond the said period of two years shall not be granted by the Registration Committee. Though the internal communication has been challenged in the writ petitions, we are surprised as to how the international communication could be challenged by the parties. Be that as it may. Section 9(3-B) of the Act deals with the provisional registration of an insecticide being introduced for the first time in India. Such provisional registration is restricted to a period of two



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years. Whereas, Section 9(3) of the Act deals with the registration of insecticides in general. Any application made by the importer or manufacturer, as the case may be, regarding the efficacy of the insecticide and its safety to human beings and animals, shall be registered upon payment of the prescribed fees, and a certificate of registration shall be issued within twelve months from the date of receipt of the application. Further, this period may be extended by six months if the Committee is unable to arrive at a decision within the initial twelve-month period.

11. On a plain reading of the two Sections referred to above, it is apparent that Section 9(3) of the Act relates to the registration of insecticides whose efficacy has already been tested, whereas Section 9(3-B) of the Act deals with insecticides being introduced in India for the first time. This is only our prima facie view. Be that as it may, it is the contention of the respondents is that the licence has been extended despite the two-year restriction under Section 9(3-B) of the Act. According to the respondents, the competent authority has the power to extend the period, and accordingly, the licence has been extended over the years and continues to remain in force.



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12. Whereas, the learned Additional Solicitor General of India, appearing for the appellants, would submit that, as far as the licence under Section 9(3-B) of the Act in respect of an insecticide introduced for the first time in India is concerned, registration beyond two years is not permissible under the statute.

13. We have perused the entire order of the learned Single Judge. The learned Single Judge has examined the provisions of Sections 9(3) and 9(3-B) of the Act and ventured into the merits of the case. Further, the learned Single Judge referred to a speech made by the then Hon'ble Minister of Agriculture and Irrigation on the floor of Parliament. Though the respondents were granted permission under Section 9(3) of the Act to export the insecticide after its efficacy had been tested, whether same licence can be used for an insecticide being introduced for the first time in India to be tested only after counter of other side. We are not examining the merits of the case. It has to be decided solely based on the counter-affidavit filed by the appellants in the writ petitions. Without affording an opportunity to file a counter-affidavit, going into the merits and interpreting two provisions that appear to operate in distinct fields, we are of the view that, though the



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order of the learned Single Judge appears to be an interim order, it has, in fact, virtually decided the main issue raised in the writ petitions. In our view, this certainly amounts to a 'judgment' within the meaning of Clause 15 of the Letters Patent, thereby rendering the order appealable.

14. When an interim order, by its very nature, decides the issue finally, it is certainly amenable to appeal. The learned Single Judge has gone into the merits of the two provisions, which directly affects the final decision of the main case. Therefore, in such a scenario, a Letters Patent appeal is maintainable. Hence, the contention of the respondents that the Writ Appeals are not maintainable cannot be countenanced. We restrain ourselves from discussing the merits, as we find that the learned Single Judge has gone into the merits and effectively decided the issues raised in the writ petitions, without affording the appellants an opportunity to file a counter-affidavit.

15. In view of the above, the impugned order passed by the learned Single Judge stands set aside, and the matters are remitted to the learned Single Judge for disposal of the main writ petitions after affording a proper opportunity to the appellants. It is also brought to the



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notice of this Court that, during the pendency of the appeals and after the interim order, the period of the licence has been extended up to 15.02.2027. Since the extension has already been granted, we are of the view that the same shall not be disturbed and shall remain subject to the outcome of the writ petitions.

16. Accordingly, these Writ Appeals are allowed, and the matters are remitted to the learned Single Judge for the hearing of the writ petitions, with directions to grant the appellants an opportunity to file a counter-affidavit. The learned Single Judge is requested to dispose of the matters expeditiously. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
23.03.2026

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Index :Yes/No
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