

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 18209 of 2015 (A)

PETITIONER(S) :-

GEORGE P.S., AGED 39 YEARS
S/O. P.C. SHEEMON, PULIKKOTTIL HOUSE
KUNNAMKULAM, THRISSUR DISTRICT - 680 544.

BY ADVS.SRI.M.ZIYAD
SRI.T.A.PRAKASH

RESPONDENT(S) :-

1. THE SUB INSPECTOR OF POLICE
KUNNAMKULAM POLICE STATION, KUNNAMKULAM
THRISSUR DISTRICT - 680 001.
2. THE COMMISISONER OF FOOD AND SAFETY
OFFICE OF COMMISSIONER OF FOOD AND SAFETY
THIRUVANANTHAPURAM - 695 001.
3. STATE POLICE CHIEF (DGP)
STATE OF KERALA, THRIUVANANTHAPURAM - 695 001.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 18209 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1: THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE SHIVAM BETELNUT PVT LTD, WHO IS THE MANUFACTURER OF THE NON TOBACCO PRODUCT, NAMELY; "PANRAJ" PANMASALA.

EXHIBIT P2: THE TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMKULAM.

EXHIBIT P3: THE TRUE COPY OF THE CERTIFICATE OF EXAMINATION ISSUED BY THE FOOD ANALYST.

EXHIBIT P4: THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE COMMERCIAL TAX OFFICER, KUNNAMKULAM TO THE PETITIONER.

EXHIBIT P5: THE TRUE COPY OF THE JUDGMENT DATED 3.10.2012 WRIT APPEAL NO.1685 OF 2012 POASSED BY THIS HONOURABLE COURT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.S. TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).No. 18209 of 2015

Dated this the 18th June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court alleging harassment by the Police, inter alia contending that he being a wholesale dealer of non-tobacco product, namely, PANRAJ panmasala, the first respondent is unnecessarily seizing bulk quantity of panmasala packets worth more than ₹3 lakhs from the petitioner. The petitioner submits that on several occasions such huge quantities of the product had been seized, despite the fact that it does not contain any nicotine and tobacco as evident from Exhibit P3 certificate. Learned counsel for the petitioner submits that the seizure of such large quantity of products is causing severe hardship to the petitioner. If any seizure can be done, only samples could be collected by the Police.

2. The fact remains that the Police are conducting investigation into the question as to whether the materials are safe or not, taking into consideration the overall public interest involved in the matter. If the seizure is not in accordance with law, the petitioner will have to take appropriate steps as prescribed under law. The mere seizure of such articles, though in huge quantities, cannot be termed as harassment by Police.

In the said circumstances, we do not think that the petitioner is entitled for any relief as prayed for. The Writ Petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE
JUDGE

vgs18/6/15