

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 20741 of 2015 (P)

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 COMMISSIONER OF FOOD SAFETY,
OFFICE OF COMMISSIONER OF FOOD SAFETY,
THIRUVANANTHAPURAM-695 001.**
- 3. STATE POLICE CHIEF (DGP),
STATE OF KERALA, THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.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.
- EXT.P2: THE TRUE COPY OF THE JUDGMENT DATED 03/10/2012 WA NO. 1685/2012 PASSED BY THIS HON'BLE COURT.
- EXT.P3: THE TRUE COPY OF THE CERTIFICATE OF EXAMINATION ISSUED BY THE FOOD ANALYST.
- EXT.P4: THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE COMMERCIAL TAX OFFICER, KUNNAMKULAM TO THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J

W.P.(C).No.20741 of 2015-P

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner has been before various forums, attempting to carry on indiscriminate sale of “PANRAJ” panmasala within the State.

2. The petitioner was earlier before this Court alleging police harassment, on the ground that huge quantities of product has been seized and the same causes hardship to the petitioner. However, a Division Bench of this Court held 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. It was also held that if the seizure is not in accordance with law, the petitioner would have to take appropriate steps in accordance with law.

3. In the present case, the petitioner's contention is that the provisions of the Food Safety and Standards Act, 2006 [for brevity “FSSA”] is not being followed. The learned Government Pleader, however, submits that the product has

been seized adjacent to a school and the 1st respondent, who has seized the product, has sent it for examination to the Regional Forensic Laboratory. In such circumstance, it cannot be said that the provisions of the FSSA are not followed. The petitioner would have to take appropriate steps under the FSSA.

The writ petition is closed.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]