

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 28927 of 2014 (M)

PETITIONER(S):

**KAY KAY ENTERPRISES,
X/78A, KUNNATH COMPLEX, VARAVOOR,
P.O. WADAKKANCHERRY, THRISSUR DISTRICT-680 585,
REP. BY POWER OF ATTORNEY HOLDER K.M.GAFOOR.**

**BY ADVS.SRI.C.K.KARUNAKARAN,
SMT.T.P.LEKSHMI VARMA.**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA, NEW DELHI-110 003.**
- 2. AUTHORISED OFFICER,
COCHIN SEAPORT AND AIRPORT FOOD
SAFETY AND STANDARDS AUTHORITY OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA, 1ST FLOOR, MARINE BUILDING,
NORTH END, WELLINGDON ISLAND, COCHIN-682 009.**
- 3. COMMISSIONER OF CUSTOMS,
CUSTOM HOUSE, WELLINGDON ISLAND,
COCHIN-682 009.**

**R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R2 BY ADVS. SRI.MEHMOOD PRACHA,
SRI.PAUL JACOB.
R3 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1 : TRUE COPY OF THE INVOICE DATED 16-10-2014 ISSUED BY SENURA INTERNATIONAL (P) LTD. FOR 18.0 MT OF BETEL NUTS.
- EXT. P2 : TRUE COPY OF THE BE NO.7242103 DATED 01-11-2014.
- EXT. P3 : TRUE COPY OF THE PHYTOSANITARY CERTIFICATE DATED 24-10-2014.
- EXT. P4 : TRUE COPY OF THE JUDGMENT DATED 04-01-2007 IN W.A. NO. 2179/2006.
- EXT. P5 : TRUE COPY OF THE INTERIM ORDER DATED 04-11-2013 IN WP(C).NO. 26217/2013.
- EXT. P6 : TRUE COPY OF THE INTERIM ORDER DATED 08-08-2014 IN WP(C).NO. 20478/14.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.

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Dated this the 9th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- a. *Call for the records of the case and to quash the condition being stipulated by the 3rd respondent that the raw betel nuts should obtain NOC from 2nd respondent before being permitted to be cleared for home consumption.*
- b. *To declare that raw betel nuts being imported by the petitioner do not constitute food or articles of food and also that the provisions of FSS Act are not applicable to such goods.*
- c. *To direct the respondents to permit release the consignments being imported by the petitioner under Exts.P1, P2 and P3 and other similar goods without subjecting it to tests under FSS Act.*
- d. *To grant the costs of these proceedings to the petitioner.*

When the matter came up for consideration before this Court the learned counsel appearing for the petitioner submits that the issue is squarely covered by the judgment of this Court

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dated 15.10.2014 in W.P.(C) No.26217 of 2013 and connected cases. It is conceded from the part of the concerned respondents as well. Hence this writ petition is also disposed of, in terms of the judgment dated 15.10.2014 in W.P.(C) No.26217 of 2013 and connected cases.

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE.**

rkc.