

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.7404 of 2014

Mr. Thajmal Hussain

..

Petitioner

Vs

1. District Food Safety Officer,
Kancheepuram District,
Chengelpet.
2. Pepsico India,
represented by its Managing Director,
3B, DLF Corporate Park,
'S' Block, Qutab Enclave,
Phase-III Gurgaon- 122 002,
Haryana, India
Having local factory at
No.6, G.S.T. Road, Mamandur P.O.,
Mamandur Vlg, Madurantakam,
Kancheepuram,
Chengalpattu 603 111,
Tamilnadu,
India.
3. Sri Venkatesvar Agencies
4/341, 3rd Cross Street, Nehru Nagar,
Kottivakkam, Chennai 600 041.
4. Alreef

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to take action against the respondents 2 to 4 based on the complaint dated 28.2.2014 given by the petitioner in accordance with the Food Safety and Standards Act 2006.

For Petitioner : Mr. Suresh Sampath

For Respondents: Mr. R. Vijayakumar,

Addl. Govt. Pleader for R1

Mr. Krishna srinivasan (R2)

for M/s.S.Ramasubramania Associates

Mr.K.V.Subramanian Associates (R3)

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the 1st respondent and learned counsel appearing for respondents 2 and 3 and perused the materials available on record.

2. The petitioner has filed this writ petition to direct the 1st respondent to take action against the respondents 2 to 4 based on the complaint dated 28.2.2014 in accordance with the Food Safety and Standards Act 2006.

3. The petitioner would state that he purchased a bottle of Mountain Dew soft drink from the 4th respondent on 25.2.2014 and a bill was also issued by the 4th respondent for the soft drink. The petitioner would state that the bottled soft drink was contaminated. Therefore the petitioner sent a representations and since the respondents 2 and 3 refused to receive representations, he has filed this writ petition.

4. The petitioner has filed a copy of a colour photograph of the bottle to show that it was contaminated. Learned counsel for the 2nd respondent submitted that details were called for from the petitioner, but the petitioner has not responded and the allegations made against the company is absolutely baseless and they did not admit any of these allegations made. The petitioner would state that the soft drink which he purchased from the 4th respondent was contaminated, however, it is not known as to whether the soft drink was bottled in the 2nd respondent company, whether the 4th respondent is authorised to deal with the soft drink, whether the 3rd respondent is authorised to stock and that particular soft drink was supplied through the authorised dealer etc.,

5. Be that as it may. The grievance of the petitioner is that the soft drink was contaminated and whether the contamination was on account of any act committed by the 4th respondent or any other third party or the contamination was at the bottling plant has to be inquired into. Hence without expressing anything, on the merits of the claim, there will be a direction to the 1st respondent to consider the representation made by the petitioner dated 28.2.2014, after issuing notice to the petitioner, 2nd respondent, 3rd respondent and the 4th respondent and after affording an opportunity of personal hearing to all the parties and pass a reasoned order on merits and in accordance with law as expeditiously as possible.

6. The Writ petition is disposed of in the above terms. No costs. Consequently, the connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The District Food Safety Officer,
Kancheepuram District,
Chengelpet.

+1 cc to M/s.K.V.Subramanian Associates,SR.10148

+1 cc to M/s.Ramasubramanian Associates,SR.9565.

+1 cc to Mr.Swash Sampath, Advocate,SR.9657.

ak(co)
krd 7/4

W.P.No.7404 of 2014



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