

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WP.No.18425/2015

Sree Lakshmi Agencies
rep. by its Authorised Signatory
R.Rajkumar

: Petitioner

-Vs-

1.The Authorised Officer
Food and Safety Standards
Authority of India, II Floor
Central Documentation Building
Chennai Port Trust, Rajaji Salai
Chennai 600 001.

2.The Commissioner of Customs
O/o.the Commissioner of Customs
[Chennai-IV], Customs House,
60, Rajaji Salai, chennai-1.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to carry out inspection/analysis of the food article "Black Matpe" imported by the petitioner under the Bill of Entry NO.8916078 in accordance with the letter dated 18.05.2015 issued by the 2nd respondent and to consequently direct the 2nd respondent to pass appropriate orders for the release of the imported food article within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Raghavachari

For R2 : Mr.Su.Srinivasan, ASG for
Mr.M.Devendran

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O R D E R

The petitioner has come forward to file this writ petition seeking direction to the 1st respondent to carry out inspection and thereafter pass appropriate orders for the release of the imported food article.

2.Both the learned counsel appearing for the parties would submit that similar orders have been passed in WP.No.18491/2015 dated 28.07.2015 which would govern the case on hand. In the aforesaid writ petition, this Court was pleased to pass the following order:-

"..

5.Learned counsel appearing for the petitioner would submit that in the light of the notification in No.1-17/FSSAI/T/2010 dated 20.01.2012 the respondent has to draw the sample from the imported commodity, which has been cleaned and prays for appropriate orders directing the respondent to draw necessary samples for the purpose of testing.

6.Per contra, Mr.K.Surendranath, learned counsel appearing for the respondent would submit that steps are being taken by the respondent to draw the sample from the imported commodity which was cleaned.

7.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and in the light of the facts and circumstances directs the respondent to draw samples in terms of the notification No.1-17/FSSAI/T/2010 dated 20.01.2012 from the imported commodity which was cleaned and endorse to that effect by the Bond Incharge officer, within a period of one week from the date of receipt of a copy of this order and test the same within a period of four weeks thereafter in accordance with law and communicate the decision taken to the petitioner forthwith. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed."

3.The writ petition is disposed of in the above said terms. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar(CO)

dt:18/09/2015

True Copy

Sub-Assistant Registrar

AP

To

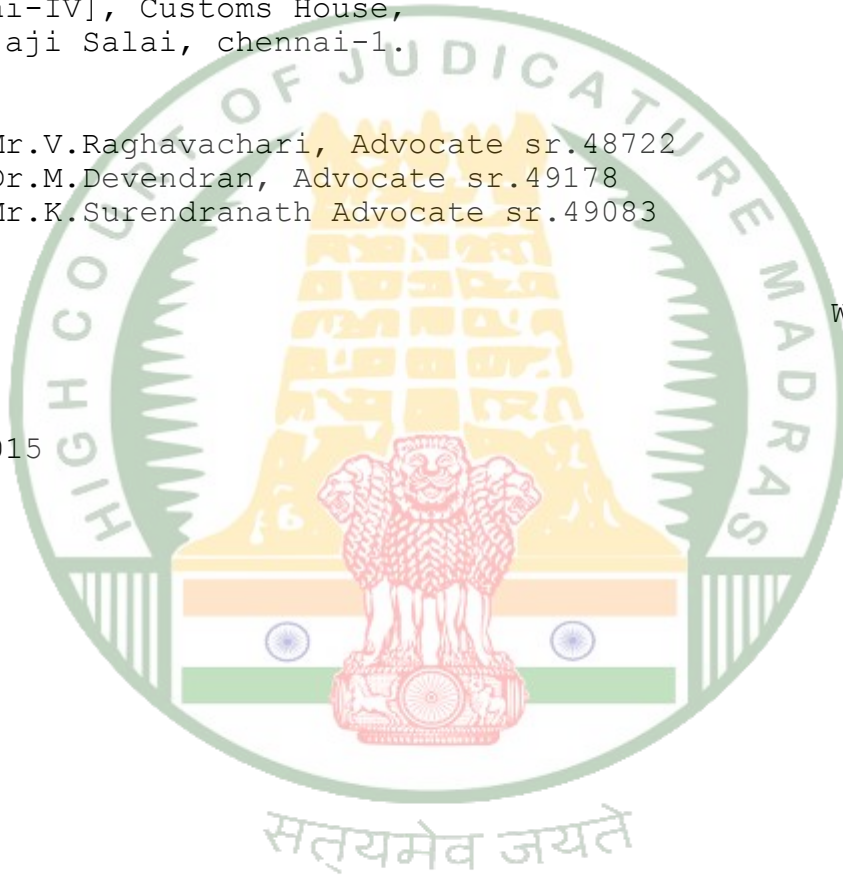
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+1 cc to Mr.V.Raghavachari, Advocate sr.48722
+1 cc to Dr.M.Devendran, Advocate sr.49178
+1 cc to Mr.K.Surendranath Advocate sr.49083

W.P.No.18425/2015

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