

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21281 of 2015

OMS Sivajothi Mills
rep by is Partner
R.J.Mahesh Babu

.. Petitioner

-vs-

1. The Authorized Officer
Chennai Sea Port and Air Port
Food Safety and Standards Authority of India
Ministry of Health and Family Welfare
Southern Regional Office
Chennai Fort Trust Building
Rajaji Salai, Chennai
 2. The Deputy Commissioner of Customs
New Custom House
GST Road
Meenambakkam, Chennai
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to permit the petitioner to wash and clean the Raw Black Matpe which was imported by the petitioner from Myanmar.

For Petitioner :: Mr.S.Lakshmanasamy

For Respondents :: Mr.A.P.Srinivas
Standing Counsel

ORDER

This writ petition has been filed by M/s OMS Sivajothi Mills represented by its Partner Mr.R.J.Mahesh Babu seeking a mandamus directing the respondents to permit the petitioner to wash and clean the raw black matpe, which was imported by the petitioner from Myanmar and to pass further orders.

2. Mr.A.P.Srinivas, learned standing counsel takes notice on behalf of the respondents.

3. It has been claimed by the petitioner that they have imported raw black matpe from Myanmar. When the same reached the office of the respondents, they had taken samples and sent them to the laboratory for testing. Subsequently, after the testing was over, the petitioner was informed that the goods imported by the petitioner from Myanmar are not in accordance with the standards prescribed under the Food Safety and Standards Act and Rules and it was also informed that the goods have more minerals. But it is the claim of the petitioner that the imported goods do not contain more minerals. However, as there is no machinery to clean all the imported goods, the petitioner approached the respondents with a request to grant them permission to wash and clean the goods in the presence of the officers in view of the circular dated 20.1.2012 bearing No.1-17/FSSAI/T/2010. But, for the reasons best known to them, the petitioner was not permitted to wash and clean the goods to enable them to take fresh samples for testing.

4. It is at this point of time the learned standing counsel for the respondents submitted that till date, the petitioner has not made any written representation to the respondents, therefore, they should be directed to make a due representation to the respondents. Only in the event of any negative response from the respondents, the petitioner can approach this Court.

5. This Court finds merit in the submissions made by the learned standing counsel for the respondents. When this Court is unable to see any representation made by the petitioner to any of the respondents, this Court directs the petitioner to approach the respondents by making a proper representation in the light of the circular dated 20.1.2012 bearing No.1-17/FSSAI/T/2010 and on receipt of such representation, it is for the respondents to consider and pass appropriate orders on the same within a period of two weeks thereafter. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Authorized Officer
Chennai Sea Port and Air Port
Food Safety and Standards Authority of India
Ministry of Health and Family Welfare
Southern Regional Office
Chennai Port Trust Building
Rajaji Salai
Chennai

2. The Deputy Commissioner of Customs
New Custom House
G.S.T. Road
Meenambakkam
Chennai

1 cc to Mr. S.Lakshmanasamy, Advocate Sr.No.35876

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