

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.26530 of 2015

&

M.P.Nos.1 & 2 of 2015

M/s. AGL Transports P. Ltd.
rep. by its Authorised Signatory

...Petitioner

vs.

1. The Commissioner
Food and Safety, 5th Floor,
DMS Building
359 Anna Salai, DMS Campus,
Teynampet, Chennai 6
2. The Designated Officer
Deputy Director of Health Services
Saidapet Campus No.33
West Jones Road Saidapet
Chennai 15
3. The Food Safety Officer
(Parrys), Chennai 1.
4. The Commissioner of Police
Vepery, Chennai 7
5. The Inspector of Police
C-5 Kothaval Chavadi Police Station
Broadway, Chennai -1.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified mandamus calling for the records of the 3rd respondent herein relating to the Seizure Memo in Form II dt: 21.8.2015 and Order of Seizure in Form II dt: 21.8.2015 and quash the same and forbear the respondents from in any manner

interfering with the petitioners right to transport and distribute HANS CHHAP Tobacco product in compliance of the provisions contained in the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production Supply and Distribution) Act 2003.

For Petitioner : Mr.AR.L.Sundaresan, SC
for M/s.D.SaiKumaran

For Respondents 1 to 5 : Mr.S.Divakar,
Additional Government Pleader

ORDER

It is seen that the order impugned has been passed on the premise that the petitioner is trying to sell the product of Tobacco within the State. Learned Senior Counsel appearing for the petitioner submitted that it has been taken for transportation to Karnataka State. He would also submits that appropriate records in this respect would be produced before the respondent concerned. He also submits that an undertaking would be given that the products will not be sold within the State of Tamil Nadu.

2. Thus, this writ petition is disposed of by permitting the petitioner to produce the relevant records for transporting the Tabacco to the State of Karnataka before the second respondent and on production of such records, the second respondent after verifying the same shall allow the petitioner to transport the material to the State of Karnataka. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
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Broadway, Chennai -1.
- 1 CC to M/s.D.SaiKumaran, Advocate SR.No. 47703
- 1 CC to the Government Pleader, SR.No. 48069

GGK (CO)
PSI (04.09.2015)

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सत्यमेव जयते

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