

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.26759 to 26764 of 2015

D.Anandaraj
S/o. A. Durairaj Partner
of M/s. V.N.M.S.
Ayyachamy Nadar & Bros.175
Teppam North
Virudhunagar - 626 ... Petitioner W.P.No.26759 of 2015

S. Kathiravan
S/o. V. Selvamuthu
Director of M/s. AKJA
Exim Private Ltd
18/2D T.H. Road
Tondiarpet Chennai-600 081 ... Petitioner W.P.No.26760 of 2015

T.T. Ravi
S/o. T. Thanasekaran
Partner of M/s. T.
Thanasekaran & Bros 93/1
Aruppukottai Road
Virudhunagar - 626 002 ... Petitioner W.P.No.26761 of 2015

Jasti Harish
S/o. Koteswararao
Partner of Krishna Impex
No. 28/55 Kandappa Chetty Street
2nd Floor
Chennai - 01 ... Petitioner W.P.No.26762 of 2015

A. Dasaradhaiah
S/o. A. Vasudevaiah Chetty
Proprietor of
M/s. Sree Bhuvaneswari & Co 206
Govindappa
Naicken Street Chennai - 01 ... Petitioner W.P.No.26763 of 2015

K. Premalatha
D/o. K.S. Natarajan
Proprietor of M/s. V.N.
Moorthy & Co 366
Ramamoorthy Road
Virudhunagar - 600 001 ... Petitioner W.P.No.26764 of 2015

Vs.

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.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing respondent to draw samples from the consignment of the respondent under Bill of Entry No. 9260107, 9229543, 9449106, 9260040, 9608041 & 9229300, dated 18.05.2015, 14.05.2015, 03.06.2015, 18.05.2015, 16.06.2015, & 14.05.2015 respectively and send the same for lab testing in the terms of the Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent with in a time frame.

For Petitioner : Mr.S.Lakshmanasamy
(in all W.Ps)

For Respondent : Mr.Surendranath
(in all W.Ps)

C O M M O N O R D E R

The petitioners are stated to be importers of Black Matpe from Myanmar. In pursuant to the import made, the petitioners approached the respondent with a request to wash and clean the goods in their presence. As the request made for drawing the sample was not considered despite the requisition having been given, the petitioners have come forward to file these Writ Petitions.

2.The learned counsel appearing on either side submitted that the issue involved in these Writ Petitions are already covered by an order passed by this Court dated 28.07.2015 in W.P.No.18491 of 2015, wherein it was held as under:

''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.In such view of the matter, these Writ Petitions are disposed of on the very same terms, subject to the only change that instead of four weeks, the period is restricted to two weeks considering the nature of the product. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Authorized Officer,
Chennai Sea Port and Air Port,
Food Safety & Standards Authority of India,
Ministry of Health and Family Welfare,
Southern Regional Office,
Chennai Port Trust Building,
Rajaji Salai, Chennai - 600 001.

+1cc to Mr.K. Surendranath, Advocate, S.R.No.50004
+6ccs to Mr.S. Lakshmanasamy, Advocate, S.R.No.50538, 50539, 50540,
50541, 50542 & 50543

EV(CO)
EU(16/09/2015)

W.P.Nos.26759 to 26764 of 2015

सत्यमेव जयते
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