

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.26865 of 2015

Sanjay Bansal

...Petitioner

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 Fort Trust Building,
Rajaji Salai, Chennai.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondent to draw samples from the consignment of the respondent under Bill of Entry No.9479292 dated 5.6.2015 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 within a time frame.

For Petitioner : Mr.S.Lakshmanasamy

For Respondent : Mr.Surendranath

ORDER

The petitioner is stated to be an importer of Black Matpe from Myanmar. In pursuant to the import made, the petitioner 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 petitioner has come forward to file this writ petition.

2. Learned counsel appearing on either side submitted that the issue involved in this writ petition is already covered by an order

passed by this Court dated 28.7.2015 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, this writ petition is 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(CO)

//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.

1 CC to Mr.S.Lakshmanasamy, Advocate SR.No. 50113

W.P.No.26865 of 2015

GJ (CO)
PSI (15.09.2015)