

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.27214 to 27216 of 2015
and M.P.Nos.1 of 2015

M/s.Karthikeya Dall Producers
represented by its Partner
Jagarlamudi Srinivasa Rao
31-194, Enugupalaem Road,
Vinukonda, Guntur District,
Andhra Pradesh

... Petitioner in
W.P.No.27214 of 20154

M/s.Lakshmi Venkateswara Dall Industries,
represented by its Partner,
Ramadugu Koteswara Rao
1-644, Vittamrajupalli,
NRT Road, Vinukodna,
Guntur District, Andhra Pradesh.

... Petitioner in
W.P.No.27215 of 20154

The South India Trading Co.,
represented by its Partner,
Ankur Goel,
4049-51, 1st Floor,
Naya Bazar, Delhi.

... Petitioner in
W.P.No.27216 of 20154

Vs.

The Authorized Officer,
Food Safety & Standards Authority
of India, Ministry of Health and Family Welfare,
II Floor, Central Documentation
Complex (South Wing)
Chennai Port Trust Building,
Rajaji Salai, Chennai - 600 001.

.. Respondent in all W.Ps

PRAYER: Writ Petition in W.P.No.27214 of 2015 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 petitioner in Bill of Entry No.9560534 dated 13.06.2015 and send the same for laboratory testing in terms of Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent and issue appropriate certificate of fitness.

Writ Petition in W.P.No.27215 of 2015 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 petitioner in Bill of Entry No.9560112 dated 13.06.2015 and send the same for laboratory testing in terms of Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent and issue appropriate certificate of fitness.

Writ Petition in W.P.No.27216 of 2015 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 petitioner in Bill of Entry No.8729099 dated 26.03.2015 and send the same for laboratory testing in terms of Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent and issue appropriate certificate of fitness.

For Petitioner : Mr.M.Swaminathan
in all W.Ps
For Respondents : Mr.K.Surendranath
in all W.Ps

COMMON ORDER

As the issue involved in these writ petitions is one the same, the writ petitions are taken up together and disposed of by a common order.

2. The petitioners are importers of food grains and they filed bill of entries with the Chennai Customs. The respondent denied the issuance of 'no objection certificate' based upon the report from the laboratory. The petitioners made request to the respondent to draw samples, test them and issue 'no objection certificate' for clearing the commodity. As there was no response from the respondent, the present writ petitions are filed.

3. When the matter is taken up for hearing, the learned counsel appearing on either side submitted that the issue involved in these writ petitions 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.''

4. In such view of the matter, these writ petitions are disposed of on the very same terms. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

The Authorized Officer,
Food Safety & Standards Authority
of India, Ministry of Health and Family Welfare,
II Floor, Central Documentation
Complex (South Wing)
Chennai Port Trust Building,
Rajaji Salai, Chennai - 600 001.

+ 3 ccs to Mr.M.Swaminathan, Advocate SRs 49476, 49474, 49475

+ 1 cc to Mr.K.Surendranath, Advocate SR 49502

vsn(co)
prk11/9

W.P.Nos.27214 to 27216 of 2015

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