

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.7967 of 2015

&

M.P.No.1 of 2015

Coimbatore Maligai Vyabarigal
Sangam, Rep. by its Secretary C.R.Bhaskaran,
No.115-116, Karuppa Gounder Street,
Coimbatore-641001.....petitioner

Vs

- 1 Food Safety and Standards
Authority of India Ministry of Health and
Family Welfare Government of India New
Delhi.
 - 2 The State of Tamilnadu,
Represented by its Secretary, Tamilnadu Food
Safety and Drug Administration Department ,
Fort St. George, Chennai.
 - 3 The Commissioner
Coimbatore Municipal Corporation,
Coimbatore- 1.
 - 4 Designated Officer,
Tamilnadu Food Safety and Drug
Administration (Food Safety Wing),
Coimbatore District.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 3 and 4 from demanding license fees under Dangerous and Offensive Trades from the members of petitioner sangam by considering the representation dated 23.8.2014 of the petitioner sangam.

For Petitioner : Mr.C.D.Sugumar
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader on
behalf of RR2 and 4

ORDER

Heard Mr.C.D.Sugumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of respondents 2 and 4.

2. This petition has been filed for issuance of writ of mandamus forbearing the respondents 3 and 4 from demanding license fees under Dangerous and Offensive Trades from the members of petitioner sangam.

3. The petitioner is a Association of Merchants and Traders dealing with food substances in and around Coimbatore District. The petitioner would state that their members are carrying on their business in food substances which are covered under the Dangerous and offensive Trade Act and as per the Act, the third respondent is the licensing authority and license fee has been collected under section 360 and 361 of Schedule IV of Coimbatore City Municipal Corporation Act, 1981 and the members of the petitioner's association have been periodically renewing their licenses by paying license fee ranging Rs.2500/- to Rs.5000/- every year.

4. After coming into the force of Food Safety and Standards Act, 2006 it appears that the authorities under the said Act are insisting on the members of the petitioner's association to obtain license under the Food Safety Act by paying Rs.2,000/- per year as license fee, apart from obtaining license under the Dangerous and Offensive Trade Act.

5. This according to the petitioner is causing heavy burden on the members of the petitioner association. It is further submitted that the Merchants, who are dealing in other than food substances are not obtaining two licenses and only Merchants, who are dealing in food substances, are forced to get the licenses in this regard.

6. The petitioner association submitted representations on 24.01.2014 and 23.08.2014 and since the same representation was not considered, the petitioner is before this court by way of this petition.

7. Heard Mr.V.Jayaprakash Narayanan, learned Special Government Pleader on the above said submissions.

8. The learned Special Government Pleader submitted that the authorities under the respective enactments are bound to discharge their statutory duty, which are being discharged and there is no error in the action of demanding license fees. In any event, the petitioners would state that they are being compelled to obtain two licences, which is causing a heavy financial burden on them.

9. In the light of the above facts, there will be a direction to the fourth respondent to consider the petitioner's representations on merits and in accordance with law after issuing notice to the petitioner and after hearing the Secretary or any other office bearer of the petitioner's association and a reasoned orders shall be passed within a period of three weeks from the date of receipt of a copy of this order.

10. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dn/gpa

To

- 1 Food Safety and Standards
Authority of India Ministry of Health and
Family Welfare Government of India New
Delhi.
- 2 The State of Tamilnadu,
Represented by its Secretary, Tamilnadu Food
Safety and Drug Administration Department ,
Fort St. George, Chennai.
- 3 The Commissioner
Coimbatore Municipal Corporation,
Coimbatore- 1.
- 4 Designated Officer,
Tamilnadu Food Safety and Drug
Administration (Food Safety Wing),
Coimbatore District.

1 cc to Government Pleader, Sr.No16079

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pmk.31.3.2015