

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.32835 of 2015

ORDER:

Heard.

The petitioner questions the seizure order, dated 18-09-2015 passed by the 3rd respondent to seal the premises of the petitioner on the ground that the sample, which was drawn from the shop of the petitioner, was sent to Food Analyst, Hyderabad, for analysis and the analyst report confirmed that the sample contains calcium carbide, which is a prohibited chemical used for ripening of fruits and it is detrimental to public health. The said analyst report is also communicated to the petitioner by the Food Safety Designated Officer on 27-08-2015 informing the petitioner that if he is aggrieved, he can prefer an appeal under Section 46(4) of the Food Safety and Standards Act, 2006. Apart from that, in order to ensure safety to public health and to desist the petitioner from carrying on such business, the premises of the petitioner was ordered to be sealed by the 3rd respondent under the impugned order, dated 18-09-2015. The petitioner states that the show cause notice, referred to in the impugned order, was not served on him and on that ground, he seeks to challenge the impugned order.

In my view, in a matter of such nature, the 3rd respondent has rightly taken the prompt preventive action and as such, the sealing of the premises of the petitioner, which is in the interest of public, no interference is called for. However, the petitioner is at liberty to appear before the Additional District Magistrate, Visakhapatnam and take a copy of the show-cause notice, dated 04-09-2015 from the office of the said Authority and submit his reply and request the authority to hear him and then pass appropriate orders.

Subject to the liberty aforesaid, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 07-10-2015

Prv

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