

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.5510 of 2014

and

M.P.No.1 of 2014

M/s.Sadhana Aqua Industries,
1/659, Krishnaveni Nagar,
Mugalivakkam,
Chennai-600 125,
Tamil Nadu.
represented by Proprietor K.Solairaj .. Petitioner

Vs.

1.Deputy Director,
Food Safety and Standards Authority of India,
(FSSAI) Regional Office at Chennai,
Ministry of Health and Family Welfare,
C-1-D, Rajaji Bhavan,
Chennai-600 090.

2.Food Safety and Standards Authority of India,
Product Approval Division,
FDS Bhavan,
FSSAI, New Delhi-110 002.

3.Union of India,
Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, C-Wing,
New Delhi-110 001.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the first respondent, Food Safety Standards Authority of India, to issue Food License to the petitioner, without insisting upon Product Approval / NOC from Food Safety and Standards Authority of India Headquarters, which is illegal, arbitrary, unconstitutional and violative of principles of natural justice.

For Petitioner : Mr.Kaushik N.Sharma
For Respondents : Mr.Yasmin Ali for RR1 and 2
Mr.Su.Srinivasan, ASGI for R-3

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsels appearing on behalf of the respondents.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent, Food Safety Standards Authority of India, to issue Food License to the petitioner, without insisting upon the Product Approval / NOC, from the Food Safety and Standards Authority of India Headquarters.

3 Though various grounds have been raised in the affidavit filed in support of the writ petition, the learned counsel appearing on behalf of the petitioner has submitted that it would suffice, if the first respondent is directed to dispose of the representation, dated 17.02.2014, on merits and in accordance with law, within a specified period.

4 In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned counsel, appearing on behalf of the petitioner, this Court finds it appropriate to direct the first respondent to dispose of the representation of the petitioner, dated 17.2.2014, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner. The petitioner shall furnish a copy of the representation, dated 17.2.2014, to the first respondent, along with a copy of this order. However, it is made clear that this Court, by this order, has not expressed any opinion on the merits of the matter.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

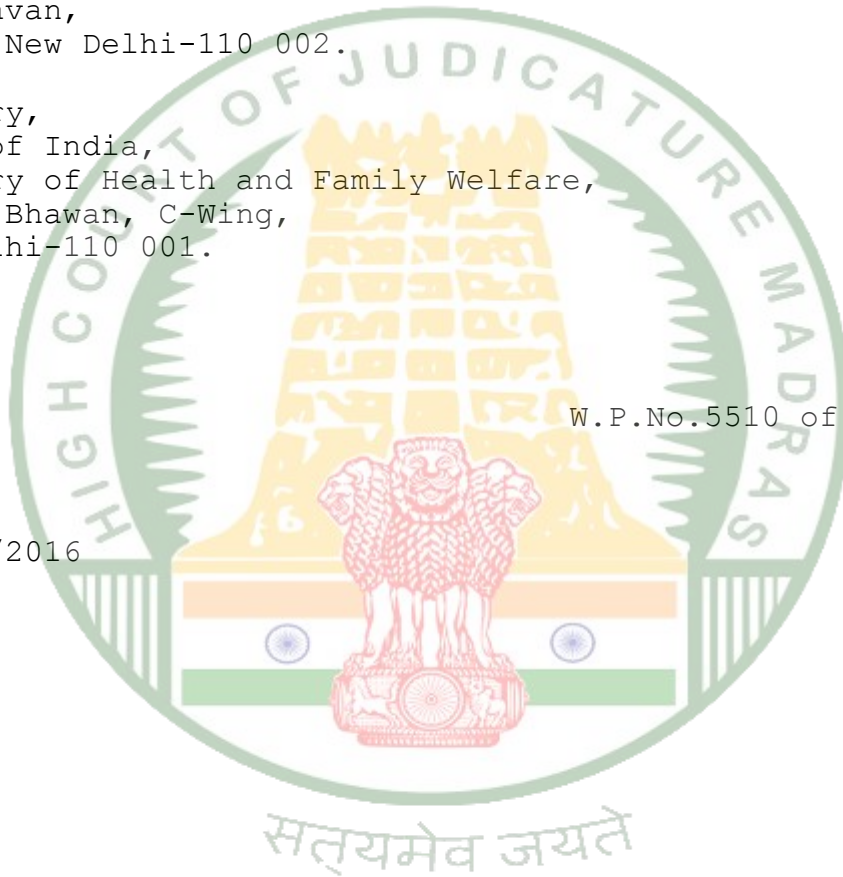
1.The Deputy Director,
Food Safety and Standards Authority of India,
(FSSAI) Regional Office at Chennai,
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2.Food Safety and Standards Authority of India,
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