

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6810 of 2013

and M.P.No.2 of 2013

Krishnaveni Foods

Rep.by M.Uma Maheswara Rao,

Ponpadi (Village) & (Po)

Tiruthani (Taluk),

Tiruvallur (Dt.)

.. Petitioner

Vs

1.The Commissioner for Milk
Production and Dairy Development
Madhavaram, Chennai 600 051.

2.The Deputy Registrar (Dairying)
Tiruvallur.

3.The Commissioner of Food Safety
Fifth Floor, DMS Building,
354, Anna Salai, Teynampet,
Chennai 600 006.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of the first respondent relating to his show cause notice Roc.No.10727/J2/2011 dated 30.07.2011 and quash the same and consequently direct the first and second respondents to pay an amount of Rs.31.44 lakhs towards compensation for the loss caused to the petitioner.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mrs.M.E.Raniselvam

Addl.Govt. Advocate.

ORDER

Challenging the show cause notice dated 30.07.2011, calling for explanation from the petitioner for violation of provisions of the Food Safety and standards Authority of India (Milk and Milk Products) Regulations, the present writ petition has been filed.

2. It is the case of the petitioner that they have been processing only three thousand litres of milk per day and that

it is only those units which handled more than ten thousand litres should be registered under the Milk and Milk Products order. The petitioner had given a reply dated 30.11.2012 to the show cause notice establishing that registration is not required insofar as their unit is concerned. Accepting the petitioner's reply, the first respondent has now passed an order dated 17.07.2013, whereby the petitioner's unit was re-opened. Under such circumstances, the challenge in the above said show cause notice has become infructuous.

3. At this juncture, the learned counsel for the petitioner would submit that he has made a consequential prayer seeking compensation for the loss caused by the respondent for the illegal sealing of the premises. Though, the respondents had permitted re-opening of the petitioner's milk products order in their letter dated 17.07.2013 and the petitioner was also directed in the same letter to get registered under the provisions of the Food Safety and Standards Act, 2006.

4. Under the circumstances, no further orders are required in this writ petition in view of the subsequent development. If the petitioner is still aggrieved against the order dated 17.07.2013, it is open to them to challenge the same in the manner known to law. The petitioner is also given the liberty to claim compensation for the alleged unlawful closing if he chooses to do so. I make it clear that I have not expressed my views on the legality of the closing of the petitioner's unit.

With the above observations, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kkd

To

- 1.The Commissioner for Milk
Production and Dairy Development
Madhavaram, Chennai 600 051.
- 2.The Deputy Registrar (Dairying)
Tiruvallur.
- 3.The Commissioner of Food Safety
Fifth Floor, DMS Building,
354, Anna Salai, Teynampet,
Chennai 600 006.

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+1 cc to Mr.P.Anbarasan Advocate sr 64525
+1 cc to Government Pleader HighCourt Madras
sr 64923

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pk(co)
aa02/01/2017



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