

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.06.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21326/2016 & WMP.No.18256/2016

C.Vinothkumar

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Petitioner

Versus

1.The Principal Secretary to Government
State of Tamil Nadu, Municipal
Administration & Water Supply Dept.,
Secretariat, Fort St George,
Chennai 600 009.

2.The Commissioner,
Chennai Corporation
Rippon Building, Chennai 600003.

3.Thiru Kannan

4.Dr.Saraswathi

5.The Zonal Health Officer
Chennai Corporation Zone VI
Ayanavaram, Chennai 600023.

6.The Commissioner of Food Safety
& Drugs Administration, DMS Compound
Teynampet, Chennai 600 006.

7.The Designated Officer,
Food Safety and Standards Act,
33, Jones Road, Saidapet,
Chennai 600 015.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to return the Food Articles Tea Dust Bags seized from the petitioner premises on 16.03.2016 in the light of the Food Analyst Report No.Sur-19/2016-2017 R.No.1298/2016 dated 06.05.2016, Report No.Sur-21/2016-2017 R.No.1300/2016 dated 06.05.2016 and Report No.Sur-20/2016-2017 R.No.1299/2016 dated 06.05.2016 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For RR 1,6&7 : Mr.R.Govindasamy, Spl.GP
For RR 2 to 5 : Mr.A.Nagarajan

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that he is a licensed Trader in storing and selling of Tea Dust, in the premises at No.4/7, Maduraipillai Street, Ayanavaram, Chennai-23, in the name and style of "Santhosh Tea Traders" and he also obtained license from the Corporation of Chennai - the 2nd respondent herein, under the provision of Chennai City Municipal Corporation Act as well as issued with a Certificate of Registration by the Commercial Tax Department and also obtained Registration Certificate from the Tamil Nadu Food Safety and Drugs Administration Department vide Registration No.22414534000023 and that, he is storing and selling Tea Dust on retail basis in the licensed premises. According to the petitioner, on 16.03.2016, the respondents 3 and 4 along with their supporting staff, has barged into his premises and removed stocks worth around Rs.8 lakhs without recourse to law and the petitioner was not even put on notice as to the reason for removing the stocks from the premises of the petitioner. Further, it is stated by the petitioner that the sample taken from the stocks is also subjected to food analysis and therefore, the petitioner sought an information under the Right to Information Act, 2005, as to the result of the food analysis and he was also issued with a copy of the communication dated 06.05.2016, sent by the Food Analyst, attached to the Food Analysis Laboratory, King Institute Campus, Chennai-2 to the Designated Officer, [Food Wing], Tamil Nadu Food Safety and Drug Administration Department, Saidapet, Chennai-15 and as per the said communication, the sample collected out of the contraband seized from the premises of the petitioner confirm to the standard prescribed for Tea under 2.10.1 of the FSS [Food Products Standards and Food Additives] Regulation, 2011 of FSS Act, 2006.

3 Mr.G.Sankaran, learned counsel for the petitioner would submit that in the light of the opinion of the Food Analyst, there cannot be any impediment on the part of the Corporation of Chennai, to release the contraband seized and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on

behalf of the respondents 1, 6 and 7 and Mr.A.Nagarajan, learned counsel who accepts notice on behalf of the respondents 2 to 5.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation to the 2nd respondent along with a copy of this order as well as the copies of the communication of the Food Analyst dated 06.05.2016 within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent or any other officials authorised by the 2nd respondent, on receipt of such representation, shall consider the same on merits and in accordance with law within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Principal Secretary to Government
State of Tamil Nadu, Municipal
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Secretariat, Fort St George, Chennai 600 009.
- 2.The Commissioner,
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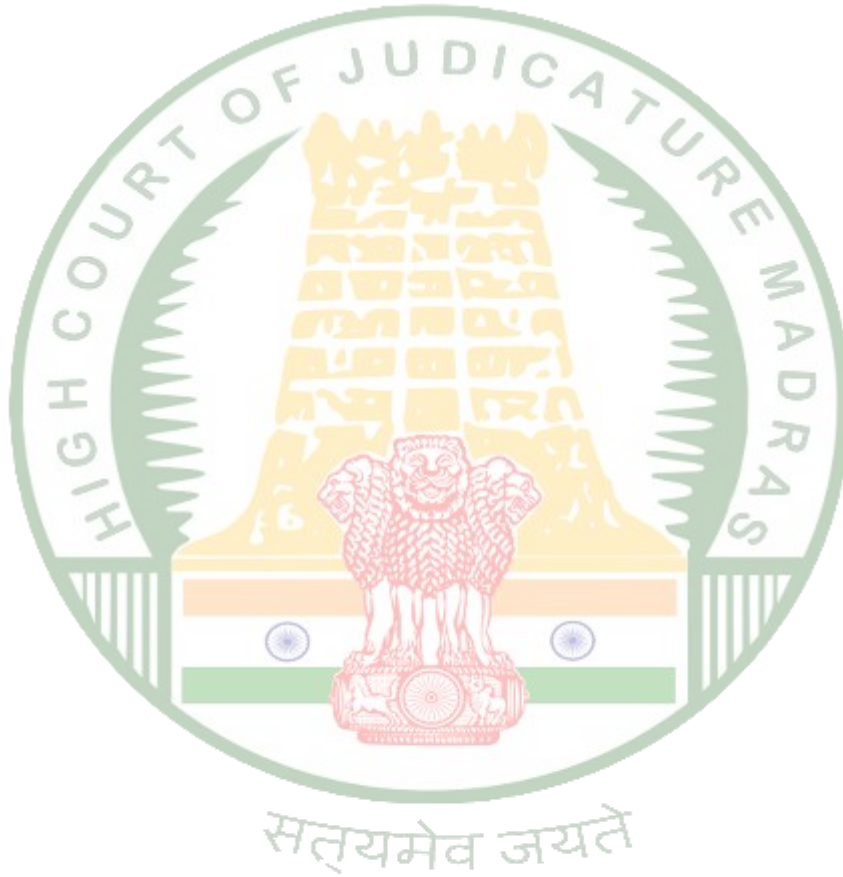
1 cc to Government Pleader, sr.34901

1 cc to G.Sankaran, Advocate SR NO 35096[28/6/16]

W.P.No.21326/2016

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kra 27.06.2016.



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