

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.36568 of 2015

1. K.Athiyappan
2. S.Kalaimani
- 3.A.P.Ashokan
- 4.K.B.Kumaresan
- 5.A.N.Babu Sekar
- 6.S.Ramya
- 7.V.Lokraj
- 8.S.Selvaraj
- 9.G.Ravishankar
- 10.R.Sekar
- 11.R.Elango
- 12.S.T.V.Ganapathy
- 13.K.Dhanapalan
- 14.A.Arumugam
- 15.J.B.Rajamanikandan
- 16.A.Shanthi

.... Petitioners

Versus

1.Food Safety and Standards Authority of India,
(Ministry of Health and Family Welfare)
FDA Bhavan, Kotla Road,
New Delhi 110002.

2.The Commissioner of Food Safety
No.359, Anna Salai, V Floor, DMS Office Building,
DMS Campus, Teynampet, Chennai 600 006.

3.State of Tamil Nadu
rep. by its Principal Secretary to Government
Commercial Taxes and Registration Department,
Secretariat, Chennai 9.

4.Registrar of Industrial Co-operative Society/Commissioner
Industries and Commerce,
No.36, South Canal Bank Road,
Mandavelipakkam,
Raja Annamalaipuram, Chennai 28.

5.Designated Officer,
Food Safety and Drug Administration Department,
Salem District.

6.Designated Officer,
Food Safety and Drug Administration Department,
Namakkal District.

7. Sago Serve represented by its Managing Director,
Jagirammappalayam, Omalur Main Road,
Salem 2.

8.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai 32.
(R.8 impleaded as per order dated 17.11.2015
by CJ and PSNJ) ... Respondents

Petition filed under Article 226 of the Constitution of
India praying for the issue of a Writ of Certiorarified
Mandamus, calling for the entire records relating to the
proceedings in No.5193/2015/S6/FSSA dated 14.09.2015 on the file
of the 2nd respondent herein.

For Petitioner ::: Mr.R.Yashod Vardhan
Senior Counsel for
Mr.K.Raja

For Respondents ::: Mr.Su. Srinivasan
Assistant Solicitor General for R1
Mr.T.N.Rajagopalan
for R.2, R.3, R.5 and R.6
Mr.L.P.Shanmugasundaram
for R.4
Ms.Rita Chandrasekaran
for R.8 (TNPCB)

O R D E R

(The Order of the Court was made by The Hon'ble The Chief
Justice)

Despite repeated questions, the Special Government Pleader
is not able to get instructions from his officer as to what are
the requirements which the petitioners should meet before they
are permitted to open the factory again. This was the same
query posed on 16.06.2016.

2. A situation cannot be countenanced where the respondents do not know what are the violations the petitioners have to remedy to open up the manufacturing units again.

3. We have thus no option but to direct the respondents to intimate each of the petitioners, the requirements to be fulfilled to permit the factory to be opened, whether as a temporary measure with further checking or as a permanent measure. Such intimation be sent within a period of 15 days from today to each of the petitioners separately and it is for the petitioners to comply with the requirements thereafter.

4. The writ petition stands disposed of in the aforesaid terms, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksr
To

1.Food Safety and Standards Authority of India,
(Ministry of Health and Family Welfare)
FDA Bhavan, Kotla Road, New Delhi 110002.

2.The Commissioner of Food Safety
No.359, Anna Salai, V Floor, DMS Office Building,
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3.The Principal Secretary to Government,
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No.36, South Canal Bank Road,
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Chennai 28.

5.Designated Officer,
Food Safety and Drug Administration Department,
Salem District.

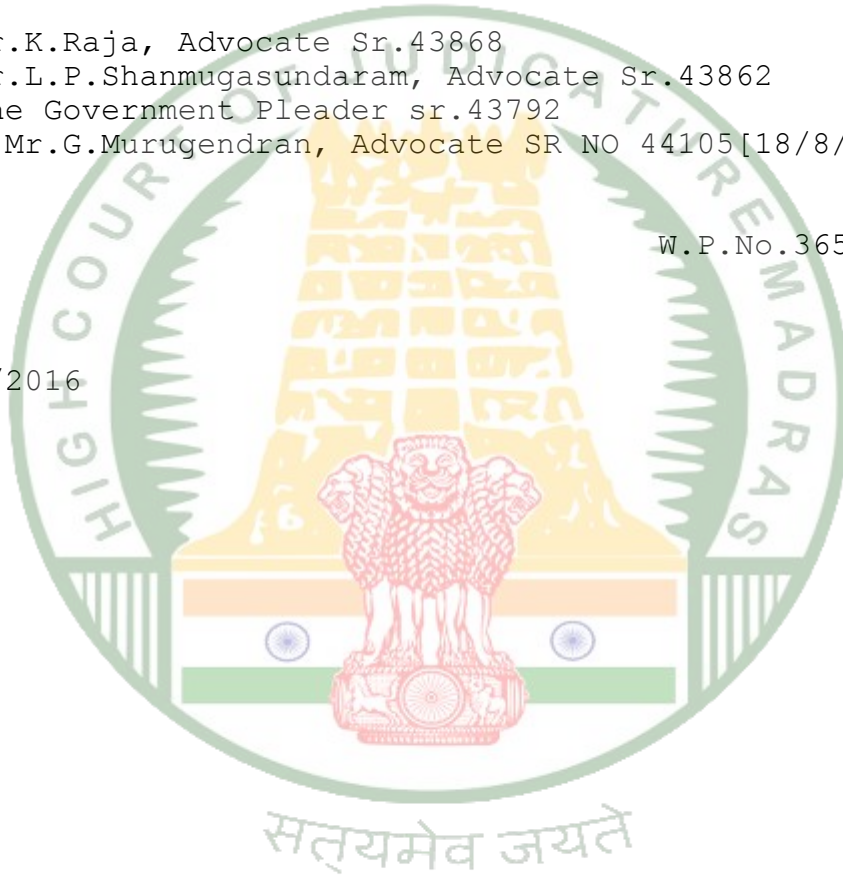
6.Designated Officer,
Food Safety and Drug Administration Department,
Namakkal District.

7.The Member Secretary, Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai 32.

+lcc to Mr.K.Raja, Advocate Sr.43868
+lcc to Mr.L.P.Shanmugasundaram, Advocate Sr.43862
+lcc to the Government Pleader sr.43792
+ 1 CC to Mr.G.Murugendran, Advocate SR NO 44105[18/8/16]

W.P.No.36568 of 2015

VGI[co]
srg 12/08/2016



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