

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.38151, 38148, 38150, 36751, 38819,
38149, 38820 and 38054 of 2015
and MP.Nos.1 of 2015 in WP.Nos.36751,
38054, 38819 and 38820 of 2015

S.Dinakar,
Partner,
M/s.T.M.Karupppiah Nadar Sons,
No.85, Monegar Choultry Road,
Old Washermanpet, Chennai-21.

... Petitioner in
W.P.38151/15, 38149/15

M/S.TRIVEDI TRADING
CORPORATION, (REPRESENTED BY ITS PROPRIETOR
PERUMALLA AMARNATH), 51-1-24, ACHARAPPAN
STREET, 1ST FLOOR, ROOM NO.24,
CHENNAI-01.

...Petitioner in
W.P.Nos.38054/15

M/S.KARTHIKEYA DALL PRODUCERS
REP BY ITS PARTNER JAGARLAMUDI SRINIVASA
RAO 31-194 ENUGUPALAEM ROAD VINUKONDA
GUNTUR DISTRICT ANDHRA PRADESH

...PETITIONER IN W.P.38819 &
38820/15

M.JANARTHANAN

S/O.V.N.M.S.A.MARIAPPA NADAR PARTNER OF
M/S.V.N.M.S.AYYACHAMY NADAR & BROS.175

TEPPAM NORTH VIRUDHUNAGAR-626 001....PETITIONER IN WP.38148 &
38150/15]

M/S. MR.R.CHANDRAKUMAR
PROPRIETOR M/S.A.M.R.RATHANASABAPATHY & BROS
NO. 727 PERIYAKULAM ROAD
THENI-625 531.

...PETITIONER IN W.P.36751/15

Vs

The Authorised Officer,
Chennai Sea Port and Air Port,
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
Southern Regional Office,
Chennai Port Trust Building,
Rajaji Salai, Chennai.

... Respondent IN W.P.38151 OF 2015

THE AUTHORIZED OFFICER, FOOD
SAFETY&STANDARDS AUTHORITY OF INDIA,

MINISTRY OF HEALTH AND FAMILY WELFARE
II FLOOR, CENTRAL DOCUMENTATION COMPLEX (SOUTH WING)
CHENNAI PORT TRUST BUILDING, RAJAJI SALAI
CHENNAI-1

[RESPONDENT IN WPS.38054
38819, 38820/15 & 36751/15]

THE AUTHORIZED OFFICER CHENNAI
SEA PORT & AIR PORT FOOD SAFETY & STANDARDS
AUTHORITY OF INDIA MINISTRY OF HEALTH &
FAMILY WELFARE SOUTHERN REGIONAL OFFICE
RAJAJI SALAI CHENNAI.

[RESPONDENT IN Wps.38148 to
38151/15]

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

I. to direct the respondent to draw samples from the consignment of the respondent under Bill of Entry No.2621377 dated 16.09.2015 and send the same for lab testing in the terms of the Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent within a time frame enable the petitioner to get the delivery of goods.

[ii] Directing the respondent to draw samples from the consignment of the respondent under Bill of Entry No.2621371 dated 16.09.2015 and send the same for lab testing in the terms of the Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent with in a time frame enable the petitioner to get the delivery of Goods [in WP No.38148 of 2015];

[iii] Directing the respondent to draw samples from the consignment of the respondent under Bill of Entry No.2544517 dated 10.09.2015 and send the same for lab testing in the terms of the Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent with in a time frame enable the petitioner to get the delivery of Goods [in WP No.38150 of 2015]

iv issue a writ of mandamus or any other order in the nature of a writ and direct the Respondent to draw joint samples from the consignment of the respondent under Bill of Entry No.2461559 dated 03/09/2015 and send the same for Lab testing in terms of the Notification No.1-17/FSSAI/T/2010 dated 20/01/2012 of the Respondent (in W.P.36751 of 2015)

[v] to direct the respondent to draw samples in accordance with the Food Safety and Standards Rules, 2011, from the consignment of the petitioner in Bill of Entry No. 2846747 dt 7.10.2015 and send the same for laboratory testing in terms of Notification No.1-17/FSSAI/T/2010 dt 20.1.2012 of the respondent [in MP.No.1 of 2015] pending [in WP.38819/15];

[vi] Directing the respondent to draw samples from the consignment of the respondent under Bill of Entry No.2841858 dated 07.10.2015 and send the same for lab testing in the terms of the Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent with in a time frame enable the petitioner to get the delivery of Goods [in WP No.38149 of 2015];

[vii] to direct the respondent to redraw samples in accordance with the Food Safety and Standards Rules, 2011, from the consignment of the petitioner in Bill of Entry No. 9560534 dt 13.6.2015 and send the same for laboratory testing again in terms of Notification No.1-17/FSSAI/T/2010 dt 20.1.2012 of the respondent [in MP.No.1 of 2015] pending [in WP.38820/15];

[viii] To direct the respondent to draw samples in accordance with the Food Safety and Standards Rules, 2011 from the consignment of the Petitioner in Bill of Entry No. 2838612 dated 07.10.2015 and send the same for laboratory testing in terms of Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the Respondent [in MP.No.1 of 2015] pending [in WP.38054/15];

For Petitioner in W.P.36751/15 :
Mr.P.Sidharthan

For Petitioner in W.Ps.38148 to 38151/15:
Mr.S. Lakshmanasamy

For Petitioner in WPs.38819 to 38820/15,
38054/15 : MR.N.V. Balaji

For Respondent : M/s.H.Yasmeen Ali

C O M M O N O R D E R

The issue involved in all the writ petitions are one and the same and therefore, they have been taken up together for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. In all these cases, the petitioners grievance is that they are entitled for drawing the joint samples for one more time, in pursuant to the Notification dated 20.01.2012. The stand of the respondent is that as per the Notification, there is only one opportunity, which has already been extended to the petitioners. This Court, passed an interim order on 21.12.2015, directing the respondent to draw joint samples from the respective consignment and send the same to the lab for testing and keep the results intact.

4. When the matter is taken up for hearing, the learned counsel appearing for the respondent submitted the report. On perusal of the report submitted, it reveals that the petitioners in WP.Nos.38151, ***38149**, 38150 and 36751 of 2015 got confirmation report in their favour. Similarly, the petitioners in WP.Nos.38819, ***38148**, 38820 and 38054 of 2015 have got non-confirmation report.

5. In view of the same, the WP.Nos. 38151, ***38149**, 38150 and 36751 of 2015 stands allowed with a direction to the respondent to issue appropriate certificate of fitness to the respective consignment. As the petitioners in WP.Nos.38819, ***38148**, 38820 and 38054 of 2015 have got their samples tested, pursuant to the orders of this Court, failed by way of the non-confirmation report, they stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS II)

***Corrected as per the order
dated 19/2/2016**

-s/d-

Assistant Registrar(co)

dt:23/2/2016

/true copy/

Sub Asst. Registrar

gya

To

1. THE AUTHORIZED OFFICER, (**To be Substituted for the order
FOOD SAFETY&STANDARDS already despatched on 29/0/2016**)
AUTHORITY OF INDIA,
CENTRAL DOCUMENTATION COMPLEX (SOUTH WING)
CHENNAI PORT TRUST BUILDING, RAJAJI SALAI
CHENNAI-1

2.THE AUTHORIZED OFFICER CHENNAI
SEA PORT & AIR PORT FOOD SAFETY & STANDARDS
AUTHORITY OF INDIA MINISTRY OF HEALTH &
FAMILY WELFARE SOUTHERN REGIONAL OFFICE
RAJAJI SALAI CHENNAI.

3 ccs to Mr.N.V. Balaji, Advocate, Sr. 5160 to 5162

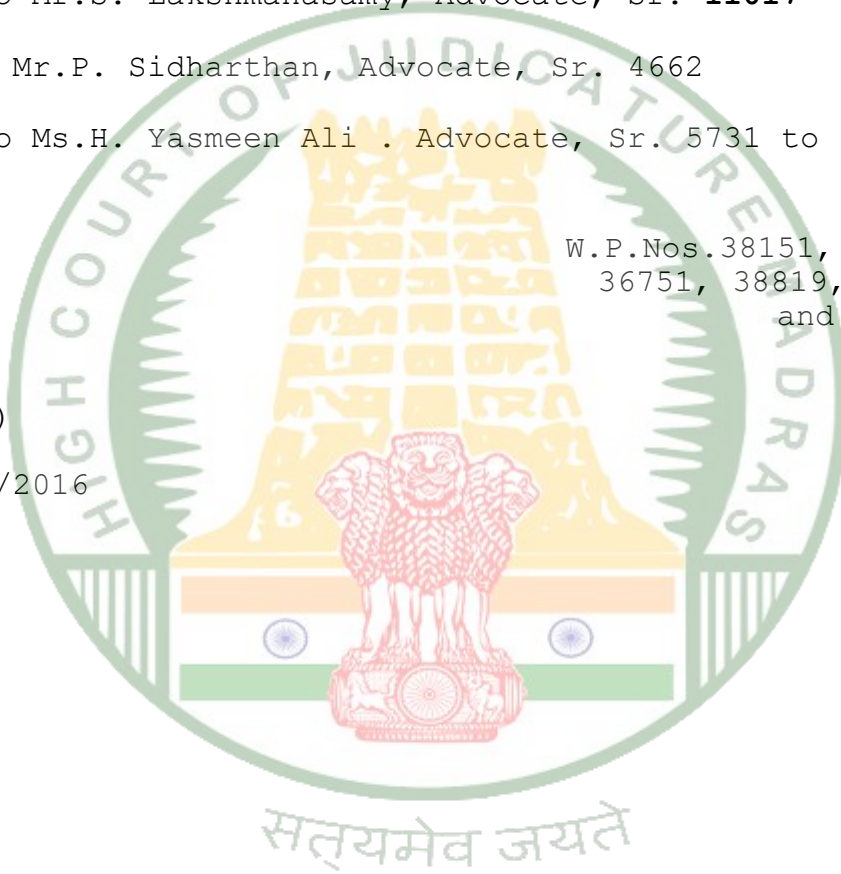
4 ccs to Mr.S. Lakshmanasamy, Advocate, Sr.*11017

1 cc to Mr.P. Sidharthan, Advocate, Sr. 4662

8 ccs to Ms.H. Yasmeen Ali . Advocate, Sr. 5731 to 5738

W.P.Nos.38151, 38148, 38150,
36751, 38819, 38149, 38820
and 38054 of 2015

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