

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2016
Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.29682 of 2016
and
W.M.P.No.25691 of 2016

M/s.S.N.Rathanasamy Nadar and Sons
Rep by its Partner
Mr.R.Saravana Kumar ...Petitioner

Vs.

The Authorised Officer
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
II Floor, Central Documentation Complex(South Wing)
Chennai Port Trust Building
Rajaji Salai, Chennai 600 001 ...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to draw samples from the consignment of the respondent under Bill of Entry No.5747905 dated 24.06.2016 and to send the same for Lab testing, in terms of the Notification issued vide No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent and issue appropriate certificate of fitness.

For Petitioner : Mr.P.Sidharthan
For Respondent : Mr.H.Yasmeen Ali

O R D E R

Heard Mr.P.Sidharthan, learned counsel appearing for the petitioner and Mr.H.Yasmeen Ali, learned counsel appearing for the respondent.

2. This Writ Petition has been filed by the petitioner, seeking for a direction upon the respondent to draw samples from the consignments of the respondent, under Bill of Entry No.5747905, dated 24.06.2016, and send the same for testing.

3. It is not in dispute that the samples drawn earlier, did not meet the standards, and therefore, the request made by the petitioner for clearance was rejected. Subsequently, the petitioner by availing the benefit of adhoc notification issued by Food Safety and Standards Authority of India, dated 20.01.2012, approached the Customs Authorities to de-bond the

goods, so as to enable them to clean the same and submit the samples for consideration of the respondent. It appears that the Customs Department permitted them to do so, and according to the petitioner, consignments are free from all impurities and issues pointed out in the earlier Lab report. With these facts, the petitioner has approached the respondent/Department, by representation, dated 25.07.2016, which has been received by the Office of the respondent, on 26.07.2016.

4. In the light of the above, there will be a direction to the respondent to draw samples from the said consignment and send the same for testing before the approved Laboratory, and based on the test result, shall intimate the Bond Officer accordingly for necessary further orders.

5. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order, subject to receipt of the lab report, subject to receipt of the Lab report.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

The Authorised Officer
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
II Floor, Central Documentation Complex(South Wing)
Chennai Port Trust Building
Rajaji Salai, Chennai 600 001

+1 cc to Mr.P.Sidharthan,advocate,sr.53323.

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