

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition Nos. 40092, 40272, 40827, 40915, 40979,
41085, 41119, 41203, 41204, 41205, 41206, 41207, 41208, 41209,
41210, 42029 and 42159 of 2016

W.M.P.Nos.34137 to 34139, 34350, 34897, 34898, 35075, 35076,
35109, 35153 to 35155, 35156 to 35172, 35964,
35965 & 36067 of 2016

M/s. Sri Krishna Water Tech
rep. by its Partner A. Jankiraman
No.3, Venkatesan Nagar, Enathur Road
Kanchipuram Block and Taluk
Enathur Village
Kanchipuram - 631 502

...Petitioner in WP.40092 of 2016

M/s.G.V.Aqua Products
Rep by Partner V.Pradeep Kumar
No.14 Ramanujan Garden Street
Kosapet, Chennai-600 012.

...Petitioner in WP.40272 of 2016

M/s.Royal Aqua Products
Rep by its Partner M. Mohammed Nafi Khan
No.39/61 Kuttiyappan Street
Kilpauk Chennai-600 010

...Petitioner in WP.40827 of 2016

V.B.R.Aqua Farms
Rep. by its Proprietor Mr.G.Vinoth Kumar
S.No.333/2B 333/2C 334/5
Erاندamkattalai Main road Puthavedu Village
Kovoor Post, Mangadu, Chennai-128.

...Petitioner in WP.40915 of 2016

M/s.Tamil Aqua Enterprises
Rep by Manager K.Singaravelan
No.4/179 Puzhal Ambattur Road
Puzhal Thiruvallur District- 600 066.

...Petitioner in WP.40979 of 2016

S.R.Sethuraman
SR Water Corporation No.4/5A-1B
Mamandur Village NH-45
(Adjacent to Palar River Bridge)
Maduranthagam Taluk
Kancheepuram District-603 111.

...Petitioner in WP.41085 of 2016

M/s.Perfect Aqua Minerals Co.
Logan Aqua Packaged Drinking Water
rep. by its Manager G.Ravikumar
No.2 & 3 T.V.Nagar
Mugalivakkam Kancheepuram 600 125.

...Petitioner in WP.41119 of 2016

M/s.SRK AQUA Products
rep. by Proprietrix Ms.R.Sathees Kumari
NO.69 Bharath School Road
Venkateshwara Nagar
Maduravoyal Chennai-95.

...Petitioner in WP.41203 of 2016

M/s.SRK Natural Product
rep. by Proprietrix Ms.R.Sathees Kumari
No.61 Alapakkam Road Venkateshwara Nagar
Maduravoyal Chennai-95.

...Petitioner in WP.41204 of 2016

M/s.Sri Nithya Aqua Product
rep. by its Proprietrix Mr.T.Moorthy
No.27 Kilkathipur Village Vishar Road
Kanchipuram Block
Kanchipuram Taluk & District 631 501.

...Petitioner in WP.41205 of 2016

M/S.Shanth Aqua Product
rep. by its Proprietrix Mr.A.Balasunder
No.1/534-A Mampakkam Main Road
Veerabathra Nagar Vengaiwasal
Medavakkam Tambaram Tk Chennai-100.

...Petitioner in WP.41206 of 2016

M/s.Antony Minerals
Brand Name : Rain Drops Package Drinking Water
rep. by Proprietor C.J.Ashokan
NO.126/2-B Redhills High Road
No.510/2B Alamathi Redhills
Chennai-52

...Petitioner in WP.41207 of 2016

M/s.Vijaya Aqua Mineral
Branch Name: Black & White Packaged
Drinking Water
rep. by Proprietor Mr.T.Rajendran
No.4/516-B Upparapalayam
Alamathi Chennai-52.

...Petitioner in WP.41208 of 2016

M/s.VMS Aqua Industries
rep. by its Proprietor Mr.V.Murugan
No.197 Thirumurugan Nagar Sengundram
Maraimalai Nagar 603 209.

...Petitioner in WP.41209 of 2016

M/s.Naidu Aqua Farms
Brand Name: Blue Star and Joy Packaged Drinking
Water & TQ Aqua

rep. by its Authorised Signatory Mr.Suganraj
No.144 Nallur Village Ponneri Thiruvallur.

...Petitioner in WP.41210 of 2016

M/s.Ideal Aqua Water
Regisd. Partnership Firm
having off.at S.F.No.251/3- A new No.86
Railway Line (South) Lakshmipuram
Ganapathy Coimbatore-6.
rep. by Partner Mr.N.Nallamuthu.

...Petitioner in WP.42029 of 2016

A.K.A.Aqua Farms
Rep. by Proprietor Mr.A.Mahalingam
S/o.Angannan 127-E Chinthamani Thottam
Chinthamani Pudur Post Sulur Block
Coimbatore-641 103.

...Petitioner in WP.42159 of 2016

Versus

1.The Designated Officer
Tamil Nadu Food Safety and Drug Administration
Department
Office of the Deputy Director of Health Service
Arinjar Anna Cancer Institute Campus
42A, Railway Station Road
Kancheepuram - 631 502

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy, Chennai - 600 032

3.The Food Safety Officer
Walajabad Block
Government Primary Health Centre
Parandur - 631 532
Kancheepuram District

...Respondents in WP.40092 of 2016

1.The Commissioner Food Safety
5th Floor of DMS Office Building
359 Anna Salai DMS Campus
Teynampet Chennai-600 006.

2.The designated Officer
Tamil Nadu Food Safety and Drug
Administration No.33 Jones Road
Saidapet Chennai-600 015.

...Respondents in WP.40272 of 2016

1.The Commissioner Food Safety
5th Floor of DMS Office Building
359 Anna Salai DMS Campus
Teynampet Chennai-600 006.

2.The Designated Officer
Tamil Nadu Food Safety and Drug
Administration No.33 Jones Road
Saidapet Chennai-600 015.

...Respondents in WP.40827 of 2016

The Designated Officer
The TN Food Safety&Drug Admin.Dept.
O/o.Depy.Dir.of Health Services
Arinjar Anna Cancer Institute Campus
42-A Railway Station Rd
Kancheepuram-502.

...Respondent in WP.40915 of 2016

1.The Commissioner Food Safety
5th Floor of DMS Office Building
359 Anna Salai DMS Campus
Teynampet Chennai-600 006.

2.The Designated Officer
Tamil Nadu Food Safety and Drug
Administration No.33 Jones Road
Saidapet Chennai-600 015.

...Respondents in WP.40979 of 2016

1.Government of Tamil Nadu
Rep. by its Secretary
Health Department Fort St. George
Secretariat Chennai-600 009.

2.The Commissioner
Tamilnadu Food Safety&Drug Adminsitration
Department Food Safety Wing
Kancheepuram District.

3.Dy. Director of Health Service
Arinjar Anna Cancer Institute Campus
42-A Railway Station Road
Kancheepuram-631 502.

4.Designated Officer
Food Safety Wing
Kancheepuram District.

...Respondents in WP.41085 of 2016

1.The Commissioner Food Safety
5th Floor of DMS Office Building
359 Anna Salai DMS Campus
Teynampet Chennai-6

2.The Designated Officer
Tamilnadu Food Safety and Drug
Administration No.33 Jones Road
Saidapet Chennai-15.

...Respondents in WP.41119 of 2016

1.The Designated Officer
Tamilnadu Food Safety and Drug Admn. Dept.
Office of DDHS Campus
No.54/1 Asoori Street Thiruvallur 602 001

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy Chennai-32.

3.Food Safety Officer
Villivakkam Block,
Thiruvallur District.

...Respondents in WP.41203 of 2016

1.The Designated Officer
Tamilnadu Food Safety and Drug Admn. Dept.
Office of DDHS Campus
No.54/1 Asoori Street Thiruvallur 602 001.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy Chennai-32.

3.Food Safety Officer
Villivakkam Block,
Thiruvallur District.

...Respondents in WP.41204 of 2016

1.The Designated Officer TN Food
Safety & Drug Admn. Dept.
Office of Dy. Director of Health Service
Arinjar Anna Cancer Institute Campus
42 A Railway Station Road Kancheepuram.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy Chennai-32

3.The Food Safety Officer
Kancheepuram Block
Kanchipuram District.

1.The Designated Officer TN Food
Safety & Drug Admn. Dept.
Office of Dy. Director of Health Service
Arinjar Anna Cancer Institute Campus
42 A Railway Station Road Kancheepuram.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy Chennai-32.

3.The Food Safety Officer
St. Thamos Mount Block
Government Primary Health Centre
Medavakkam 600 100 Kanchipuram District.

...Respondents in WP.41206 of 2016

1.The Designated Officer
Tamilnadu Food Safety & Drug Admn. Dept.
Office of DDHS Campus
No.54/1 Asoori Street
Thiruvallur 602 001.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus
Guindy Chennai-32.

3.Food Safety Officer
Sholavaram Block,
Thiruvallur District.

...Respondents in WP.41207 of 2016

1.The Designated Officer
Tamilnadu Food Safety & Drug Admn. Dept.
Office of DDHS Campus
No.54/1 Asoori Street
Thiruvallur 602 001.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus,
Guindy Chennai-32.

3.Food Safety Officer
Sholavaram Block,
Thiruvallur District.

...Respondents in WP.41208 of 2016

1.The Designated Officer
TN Food Safety & Drug Admn. Dept.
Office of Dy. Director of Health Service
Arinjar Anna Cancer Institute Campus
42 A Railway Station Road
Kancheepuram.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus,
Guindy Chennai-32.

3.The Food Safety Officer
Maraimalai Nagar Municipality Complex
Maraimalainagar.

...Respondents in WP.41209 of 2016

1.The Designated Officer
Tamilnadu Food Safety & Drug Admn. Dept.
Office of DDHS Campus
No.54/1 Asoori Street
Thiruvallur 602 001.

2.The Food Analyst
Food Analysis Laboratory
King Institute Campus,
Guindy Chennai-32.

3.The Food Safety Officer
Sholavaram Block
Thiruvallur District.

4.M/s.Trisem Marketing Agencies
rep. by its Prop.S.S.F.Jayaa Seelan
No.6 Old No.23 Mosque Street
Mylapore Chennai-4.

....Respondents in WP.41210 of 2016

1.The Commissioner
Tamil Nadu Food Safety and Drug
Administration Department
Chennai-600 006.

2.The Designated Officer
Food Safety Wing
No.219 Race Course Road
Coimbatore-18.

3.The Food Safety Officer
Coimbatore Corporation
Coimbatore.

...Respondents in WP.42029 of 2016

1.The Commissioner
Tamil Nadu Food Safety & Drug
Administration Department
Chennai-600 006.

2.Designated Officer
Food Safety Wing No.219 Race Course Road
Coimbatore-641 018.

3.Food Safety Officer
Coimbatore Corporation
Coimbatore.

...Respondents in WP.42159 of 2016

Petitions filed under Article 226 of The Constitution of India praying for Writs of

W.P.No.40092 of 2016 : Certiorari, to call for the entire records relating to the impugned proceedings of the first respondent in his proceedings of the first respondent in his Stop Sale Notice in R.No.812/DO-KPM/FSSA dated 04.11.2016 and quash the said proceedings dated 04.11.2016.

W.P.No.40272 of 2016 : Certiorari, to call for the records of the respondent (2) concluding in the impugned order dated 08.11.2016 made in R. NO.5076/FSSA/CHE/A1/20116, quash the same.

W.P.No.40827 of 2016 : Mandamus, directing the respondent authorities to conduct a re-testing of the Unit's product by taking a fresh sample.

W.P.No.40915 of 2016 : Certiorarified Mandamus, calling for records of the respondent herein culminating in the impugned "Stop sale notice" dated 04.11.2016 bearing document number R.No.812/DO-KPM/FSSA made by the respondent herein and quash the same and consequently direct the respondent not to interfere with the petitioners business pursuant to the impugned order.

W.P.No.40979 of 2016 : Mandamus, directing the respondent authorities to conduct a re-testing of the Units product by taking a fresh sample.

W.P.No.41085 of 2016 : Certiorari, calling for the records of the fourth respondent for issuance of "Stop sale notice" bearing R.No.812/DO-KPM/FSSA dated 4.11.2016 and quash the same.

W.P.No.41119 of 2016 : Certiorari, to call for the records of the 2nd respondent concluding in the impugned order dated 9.11.2016 made in R.No.812/DO-KPM/FSSA, quash the same.

W.P.No.41203 of 2016 : Certiorari, to call for the entire records relating tot he impugned proceedings of the 1st respondent in his Proc. Closure Notice in R.No.701/E1/Green/2016 dated 17.11.2016 and quash the same.

W.P.No.41204 of 2016 : Certiorari, to call for and entire records relating to the impugned proceedings of the 1st respondent in his Closure Notice in R.No.701/E1/Green/2016 dated 17.11.2016 and quash the same.

W.P.No.41205 of 2016 : Certiorari, to call for the entire records relating tot he impugned proceedings of the 1st respondent in his Proc. Seal Notice in R.No.812/DO-KPM/FSSA dated 16.11.2016 and quash the same.

W.P.No.41206 of 2016 : Certiorari, to call for the entire records relating to the impugned proceedings of the 1st respondent in his Proceedings in R.No.812/DO-KPM/FSSA, dated 18.11.2016 and quash the same.

W.P.No.41207 of 2016 : Certiorari, to call for the entire records relating tot he impugned proceedings of the 1st respondent in his Proc. Closure Notice in R.No.701/E1/Green/2016 dated 17.11.2016 and quash the same.

W.P.No.41208 of 2016 : Certiorari, to call for the entire records relating tot he impugned proceedings of the 1st respondent in his Proc. Closure Notice in R.No.701/E1/Green/2016 dated 17.11.2016 and quash the same.

W.P.No.41209 of 2016 : Certiorari, to call for the entire records relating to the impugned proceedings of the 1st respondent in his Proc. Closure Notice in R.No.812/DO-KPM/FSSA dated 18.11.2016 and quash the same.

W.P.No.41210 of 2016 : Certiorari, to call for the entire records relating to the impugned proceedings of the 1st respondent in his Proc. Closure Notice in R.No.702/E1/Green/2016 dated 17.11.2016 and quash the same.

W.P.No.42029 of 2016 : Certiorari, to call for the entire records of the 2nd respondent relating to the impugned proceeding dated 11.11.2016 in R.No.492/2016/A1 and quash the same.

W.P.No.42159 of 2016 : Certiorari, calling for the records pertaining to the impugned notice under R.No.493/2016/A1 dt.11.11.2016 issued by the 2nd respondent quash the same.

For Petitioners : Mr.M. Venkatachalapathy, Senior Advocate
for Mr. M. Sriram in Wps.40092, 41203 to
41210 of 2016

: Mr.Kamlesh Kannan Subramanian
in Wps.40272, 40827, 40979 & 41119 of 2016

: Mr.M.N.Balakrishnan in WP.42029 of 2016

: Mr.R.Sivakumar in WP.40915 of 2016

: Mr.M.S.Murali for M/s.R & P Partners
in WP.41085 of 2016

: Mr.R.Subramanian in WP.42159 of 2016

For Respondents : Mr. S.T.S. Moorthy,
Additional Advocate General
assisted by Mr. Digvijay Pandian
Additional Government Pleader in Wps.40092,
40272, 40827, 40979, 41085 & 42159 of 2016

- : Mr. S.T.S. Moorthy,
Additional Advocate General
assisted by Mr.A.N.Thambidurai
Special Government Pleader in Wps.42029,
41203 to 41210 of 2016
- : Mr. S.T.S. Moorthy,
Additional Advocate General
assisted by Mr.R.A.S.Senthilvel
Additional Government Pleader
in Wps.41119 & 40915 of 2016

COMMON ORDER

The petitioners in these batch of writ petitions are engaged in manufacture and sale of packaged drinking water in water bottles, plastics cans and/or pouches as the case may be. The officials attached to the office of the first respondent have caused inspection of the manufacturing facility of the petitioners herein on various dates, issued stop sale notice in some cases. In some other cases, after issuing such stop sale notices, without any further notice, the manufacturing facility was sealed by the officials by either citing sub-standard of water or misbranding of water and in some cases the water samples tested are unsafe for human consumption.

2. The learned counsel appearing for the respective petitioners, in unison, would contend that the sealing of the premises by the respondents is illegal inasmuch as before sealing the premises, the petitioners were not given any notice. Even though the petitioners have complied with various defects pointed out by the respondents at the time of inspection, without considering the same, the respondents have sealed the premises in violation of principles of natural justice. According to the learned counsel for the respective petitioners, even assuming if there is any violation of the procedures prescribed under The Food Safety and Standards Act, 2006 (hereinafter referred to as "The Act") committed by the petitioners, under the said Act, they have a right to show improvement. After making the necessary improvement, the petitioners will get a chance to subject their samples for testing before the accredited and/or authorised central government agency for obtaining necessary certificate. Therefore, without seeking any further clarification or proof with regard to improvement, if any, made by the petitioners and without giving any further notice or opportunity, the respondents have sealed the premises. By reason of the sealing of the manufacturing facility of the petitioners, their entire business activities have come to a grinding halt and it had eroded into their right to carry on business. Further, the machineries installed by the petitioners, which are kept inside the business premises, will lose their utility value if the sealing of the premises continues. Therefore, the learned counsel for the petitioners, in unison, prayed this Court to

issue appropriate direction to the respondents to remove the seal and permit the petitioners to carry out general maintenance work and to engage in manufacture of water only for testing purpose and not otherwise.

3. In most of the cases, the petitioners have filed an affidavit of undertaking to the effect that if the seal is removed and the premises is permitted to open, they will only carry on general maintenance work and manufacture water only for the purpose of testing. It is specifically undertaken by the petitioners that they will not engage in manufacture and sale of water for commercial purpose or they will resort to sell the existing stock of water for commercial purpose. The petitioners have given a solemn undertaking that if the premises is ordered to be de-sealed, they will comply with all the defects pointed out by the respondents and only after getting necessary permission from the respondents they will resort to engage in sale of water for commercial purpose. It is also specifically undertaken by the petitioners that they will cooperate with the respondents and will ensure compliance of all the procedural formalities. The petitioners have also undertaken to have their facility inspected by the officials of the respondents so that the compliances made by the petitioners can be considered by the respondents before passing further order.

4. The learned Additional Advocate General appearing for the respondents would contend that the respondents have strictly followed the procedures contemplated under the Act before sealing the manufacturing facility of the petitioners. The sealing of the premises has become inevitable inasmuch as the products manufactured by the petitioners are unsafe for human consumption and it will result in adverse health consequences on the livelihood of the consumers. Further, in some of the cases, the petitioners, by violating the procedures contemplated under the Act have engaged in selling their products by "misbranding" and in some cases the product sold by the petitioners were sub-standard. In such circumstances, in order to ensure the safety and well being of the citizens, the respondents have rightly resorted to closure of the manufacturing facility of the petitioners. The learned Additional Advocate General appearing for the respondents also relied on Clause 2.10.8 of The Food Safety and Standards (Food Additives) Regulation, 2011 wherein it was stated that the packaged drinking water shall conform to certain characteristics features such as colour, taste, turbidity etc., According to the learned Additional Advocate General as the products manufactured by the petitioners did not meet the above specifications, the respondents have resorted to seal the premises of the manufacturing facility of the petitioners. It is also further brought to the notice of this Court by the learned Additional Advocate General that the Green Tribunal has directed the authorities concerned to resort to closure of the facility if there is any violation of the procedures contemplated under the Act. The learned Additional Advocate General therefore justified the action of the respondents in

closing the manufacturing facility of the petitioners and he prayed for dismissal of the writ petitions.

5. I heard the learned counsel appearing for the respective petitioners and the learned Additional Advocate General appearing for the respondents. The main contentions urged on behalf of the petitioners is that the closure of the manufacturing facility by the respondents is illegal inasmuch as it is not preceded by any notice. Therefore, according to the petitioners, the action of the respondents in closing the manufacturing facility of the respective petitioners is in violation of the principles of natural justice. Even if there is any violation committed by the petitioners in not complying with the procedures laid down under the Act, it will not give any right to the respondents to resort to closure of the manufacturing facility of the petitioners without following due process of law. According to the counsel for the petitioners, even as per the Act, if there is any violation committed by the manufacturers, action has to be taken for closure of the manufacturing facility only by following the due process in accordance with law, meaning thereby, before resorting to such action, a notice has to be given to the petitioners and in the absence of the same, the action taken by the respondents is contrary to the provisions of the Act besides being violative of principles of natural justice.

6. At the same time, the learned Additional Advocate General appearing for the respondents brought to the notice of this Court that closure of the manufacturing facility of the petitioners has become inevitable inasmuch as after inspection, it was found that the products manufactured by the petitioners are either sub-standard, mis-branded or in some cases, it is unsafe for human consumption. In such event, allowing the petitioners to continue their business without complying with the mandatory procedures contemplated under the Act would jeopardise the consumers especially in some cases, it was found that the products manufactured by the petitioners is unsafe for human consumption.

7. Upon consideration of the submissions of the counsel for both sides, it is clear that under the Act, the respondents are empowered to resort to closure of the manufacturing facility or suspension of the licence, if any issued, if there is any violation or non-compliance of any defects pointed out during the course of inspection of such facility. However, such action has to be resorted to only after compliance of principles of natural justice by either issuing a notice pointing out the defects and giving time for compliance or affording an opportunity of hearing. In the absence of the same, the action resorted to by the respondents for closure of the manufacturing facility of the respective petitioners cannot be sustained. I therefore find force in the said submission of the learned counsel appearing for the respective petitioners that before resorting to sealing the manufacturing facility of the petitioners, the respondents ought to have issued a notice or given an opportunity of hearing to them. Admittedly, the

respondents have not issued any notice to the petitioners. Therefore, the enmasse sealing of the manufacturing facility of the petitioners, without following the principles of natural justice by the respondents is liable to be interfered with.

8. It is also to be pointed out that the manufacturing facility of the petitioners have been sealed inasmuch as it was noticed that the products manufactured by the petitioners are either sub-standard, mis-branded or unsafe for human consumption. However, the learned counsel for the petitioners would submit that the petitioners have complied with all the defects pointed out by the respondents during their inspection and in some cases, the petitioners have also tested their product with the accredited labs or agencies appointed by the Central Government. Therefore, according to the petitioners, if the seal is removed and an inspection is conducted by the respondents, they will be in a position to show that they have complied with all the required parameters and that their products are safe for human consumption. Therefore, it is prayed by the petitioners that the respondents shall be directed to cause an inspection of the manufacturing facility of the petitioners to satisfy themselves as to whether the petitioners have complied with all the procedural requirements and to permit the petitioners to commence commercial sale of their products.

9. Having regard to the above submissions, without expressing any opinion on merits as to whether the products manufactured by the petitioners or sub-standard, mis-branded or unsafe for human consumption, or the petitioners possess adequate facility to manufacture their product and taking note of the fact that the petitioners are willing to have their manufacturing facility inspected by the respondents to subjectively satisfy themselves about the compliances of the various defects pointed out by the respondents during the course of their inspection, these writ petitions are disposed of with the following directions:-

(i) The orders, which are impugned in these writ petitions, in so far as it relates to sealing of the manufacturing facility of the respective petitioners alone, are set aside as it violates principles of natural justice

(ii) The respondents are directed to forthwith remove the seal put up by them in the manufacturing facility of the petitioners to enable the petitioners to have their routine maintenance work and to manufacture water only for the purpose of testing or taking samples thereof. It is made clear that the petitioners shall not resort to manufacture water for commercial sale or to sell the existing stock for commercial purpose.

(iii) The affidavits of undertaking filed by the petitioners in these writ petitions are recorded. As per the affidavits of undertaking, the petitioners shall subject their products for testing with the accredited or certified laboratories of the Central Government and to produce the report thereof to the respondents

(iv) The respondents are directed to cause inspection of the manufacturing facility of the petitioners. While doing so, the respondents are directed to cause inspection of the manufacturing facility of the petitioners which were sealed on the ground that the products manufactured by them is "mis-branded" or "sub-standard first. Such exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents shall cause inspection of the manufacturing facility of the petitioners which were sealed on the ground that the products manufactured by them is "unsafe" for human consumption.

(v) During such inspection, the respondents shall ensure compliance of the various requisite parameters, including compliance of the defects pointed out by them during the course of their earlier inspection and the fulfilment of the conditions laid down under the Act. Thus, by issuing direction to the respondents to remove the seal, it will not preclude the respondents from proceeding further in accordance with Law, Rules and Regulations and the directives issued by the Green Tribunal in similar matters or for violation of any other Rules.

(vi) It is made clear that this order has been passed only on the ground that the sealing of the premises was done in violation of the principles of natural justice. This order, therefore, will not confer any right on the petitioners to either manufacture or sell their products for commercial purpose without obtaining orders or clearance from the respondents

No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rsh

To

WEB COPY

1. The Designated Officer

Tamil Nadu Food Safety and Drug Administration
Department

Office of the Deputy Director of Health Service
Arinjar Anna Cancer Institute Campus
42A, Railway Station Road
Kancheepuram - 631 502

2. The Food Analyst

Food Analysis Laboratory
King Institute Campus
Guindy, Chennai - 600 032

3. The Food Safety Officer
Walajabad Block
Government Primary Health Centre
Parandur - 631 532
Kancheepuram District.
4. The Commissioner For Safety,
5th Floor of DMS Office Building,
359, Anna Salai, DMS Campus,
Teynampet, Chennai 600 006.
5. The Designated Officer,
Tamilnadu Food Safety and Drug Administration
Department,
No.33, Jones Road,
Saidapet, Chennai 600 015.
6. The Secretary to Government of Tamilnadu,
Health Department, Fort St. George,
Secretariat, Chennai 600 009.
7. The Commissioner,
Tamilnadu Food Safe and Drug Administration
Department,
Food Safety Wing, Kancheepuram District.
8. The Deputy Director of Health Services,
Arinjar Anna Cancer Institute Campus,
42-A, Railway Station Road,
Kancheepuram 631 502.
9. The Designated Officer,
Food Safety Wing,
Kancheepuram District.
10. The Designated Officer,
Tamilnadu Food Safety and Drug
Administration Department,
Office of DDHS Campus,
No.54/1, Asoori Street,
Thiruvallur 602 001.
11. The Food Safety Officer,
Villivakkam Block,
Thiruvallur District.
12. The Food Safety Officer,
Kancheepuram Block,
Kancheepuram District.
13. The Food Safety Officer,
St. Thomas Mount Block,
Government Primary Health Care,
Medavakkam 600 100,
Kancheepuram District.

14.The Food Safety Officer,
Sholavaram Block,
Thiruvallur District.

15.The Food Safety Officer,
Maraimalai Nagar Municipality Complex,
Maraimalai Nagar.

16.The Commissioner,
Tamilnadu Food Safety and Drug
Administration Department,
Chennai 600 006.

17.The Designated Officer,
Food Safety Wing,
No.219, Race Course Road,
Coimbatore 18.

18.The Food Safety Officer,
Coimbatore Corporation,
Coimbatore.

+2cc's to M/s.R& P Partners, Advocate, S.R.No.71594
+1cc to Mr.M.R.Sivakumar, Advocate, S.R.No.70910
+9cc's to Mr.M.Sriram, Advocate, S.R.Nos.71060 & 71059
+1cc to Mr.R.Subramanian, Advocate, S.R.No.71075
+4cc's to Mr.S.Kamalesh Kannan, Advocate,
S.R.Nos.71064 to 71067
+1cc to the Government Pleader, S.R.No.71142

WP Nos. 40092, 40272, 40827,
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41207, 41208, 41209, 41210,
42029 and 42159,

CA & AK(CO)
CA(08/12/2016)

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