

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5727 of 2016

Yadhava Perumal

... Petitioner

vs.

1. The Designated Officer (Food Safety and Standards)
Deputy Director of Health Services,
Saidapet Campus,
No.33, West Jones Road,
Saidapet, Chennai 600 015.

2. A.Janarthanan ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation dated 28.01.2016 given by the petitioner and to conduct an inspection and to take action against the second respondent.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.M.Dig Vijaya Pandian, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his representation dated 28.01.2016 and to conduct an inspection and to take action against the second respondent.

2. The case of the petitioner is that he is residing at Alapakkam Main Road, Alapakkam, Chennai- 600 116 and the second respondent herein is running a shop under the name and style of "J.V. Biriyanis and Fast Food" in the premises rented out by the petitioner. There is no tenancy dispute between them. However, the second respondent is making Biriyanis and Chinese foods by using unhygienic waste meat and buying the meat for cheaper price, which is causing great health hazard to the petitioner and his family members. When the petitioner asked the second respondent either to change his business or to take necessary steps while cooking, to avoid inconvenience to others, the second respondent did not respond to the same and he continued

to do so, without following the food standards as formulated by the Government and without obtaining any permission from the authority concerned to run the fast food. Hence, the petitioner made a representation dated 28.01.2016 to the first respondent to conduct an inspection and to take necessary action against the second respondent. However, till date, no action has been taken by the first respondent, which compelled the petitioner to approach this Court with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the first respondent. Though notice has been served on the second respondent and his name has also been printed in the cause list, there is no representation on behalf of the second respondent either in person or through any learned counsel.

4. Considering the facts and circumstances of the case, this Court directs the first respondent to conduct enquiry on the representation of the petitioner dated 28.01.2016, by affording an opportunity of personal hearing to the petitioner as well as to the second respondent and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.
rk

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Designated Officer (Food Safety and Standards)
Deputy Director of Health Services,
Saidapet Campus,
No.33, West Jones Road,
Saidapet, Chennai 600 015.

+ 1 cc to Govt.Pleader Sr 21749

+ 1 cc to Mr.R.Sreedhar, Advocate SR 21360

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W.P.No.5727 of 2016