



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.09.2016

Coram

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THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.16665 of 2015

Nagasubramanian

... Petitioner

-Vs-

1.The Chief Secretary to Government
Secretariat,
Chennai-9.

2.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.

3.The Commissioner,
Food Safety and Drug Administration,
DMS Campus, Theynampet,
Chennai-6.

4.The Additional Commissioner,
Food Safety and Drug Administration,
DMS Campus, Theynampet,
Chennai-6.

5.The Designated Officer,
Food Safety and Drug Administration,
Dean Quarters, Tirunelveli Medical College Campus,
Palayamkottai, Tirunelveli-2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus order or direction to the respondents 3 to 5 to grant necessary prosecution sanction as per the proposal for the sanction of prosecution, on the basis of the representations dated on 21.11.2014, 02.12.2014, 12.12.2014, 23.12.2014 and 14.01.2015 and the final representation dated 17.08.2015 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For petitioner

:Mr.B.Naga Subramanian
(Party-in-person)

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents

:Mr.A.Muthukaruppan
Addl. Govt. Pleader

**ORDER**

The petitioner has filed this writ petition seeking a direction to the respondents 3 to 5 to grant necessary sanction for prosecution, under the Food Safety and Standards Act, 2006.

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2. According to the petitioner, he is working as a Food Safety Officer, Ambasamudram, Tirunelveli District and on inspection, he seized many food samples under the Act and sent it to analyst for analysis. After receipt of report from the analysis, he sought for sanction from the third respondent/Commissioner, Food Safety and Drug Administration, Chennai-6, for initiating prosecution. According to the petitioner, even though the third respondent/Commissioner, Food Safety and Drug Administration, Chennai-6 granted sanction, he omitted to include important penal provisions in the Sanction Order.

3. The grievance of the petitioner is that even as per the analyst report and inspection report filed by him, there are many violations under the Food Safety and Standards Act, 2006, for which he requires sanction, but the third respondent without considering all the relevant materials, granted sanction for lesser offence.

4. Under the above circumstances, without going into the merits of the case, the petitioner is directed to approach the third respondent/Commissioner, Food Safety and Drug Administration, Chennai-6 and place all the materials available with him, for getting necessary sanction and the third respondent/Commissioner, Food Safety and Drug Administration, Chennai-6 is directed to consider the same and issue proper sanction order, as per Law. The petitioner is directed to place all the materials before the third respondent within a period of two weeks from the date of receipt of copy of this order. Thereafter, third respondent/Commissioner, Food Safety and Drug Administration, Chennai-6 is to pass order in accordance with law within a period of six weeks.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Sd/
Assistant Registrar (W)

/True Copy/



To

1.The Chief Secretary to Government
Secretariat,
Chennai-9.

2.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.

3.The Commissioner,
Food Safety and Drug Administration,
DMS Campus, Theynampet,
Chennai-6.

4.The Additional Commissioner,
Food Safety and Drug Administration,
DMS Campus, Theynampet,
Chennai-6.

5.The Designated Officer,
Food Safety and Drug Administration,
Dean Quarters, Tirunelveli Medical College Campus,
Palayamkottai, Tirunelveli-2.

+1cc to MR.B.NAGASUBRAMANIAN, Advocate Sr.No.51123

+1 cc to Special Government Pleader SR.No.51514

W.P. (md) .No.16665 of 2015
08.09.2016

SMA/PV/27/09/2016 :3P/8C