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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2016

CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P (MD) No. 23820 of 2016

and

W.M.P (MD) No. 17161 of 2016

J. Karthikeyan

.. Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Secretary,
Health and Family Welfare,
Fort St. George,
Chennai - 9.
2. The Director,
Family Health Department,
Chennai.
3. The Director
Food and Safety Department,
Fort St George,
Chennai - 9.
4. The District Collector,
Thanjavur District,
Thanjavur.
5. The Designated Officer,
Food Safety and Drug
Administration Department,
DDHS Campus,
Ganhiti Road,
Thanjavur - 613 001.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus forbearing the 5th Respondent, his Officers and his Subordinates or any one acting through them or under them from in any manner interfering with (the petitioner) his legal right to carry on his business continuously and on his representation dated 30.11.2016.

For Petitioner : Mr. E. Somasundaram

For Respondents : Mr. A. Muthukaruppan
Additional Government Pleader



2.The petitioner is running a business in the name of Sri Vetrivelmurugan, selling small salt packets. The grievance of the petitioner is that the fifth respondent has unlawfully interfered with his business and seized the some salt packets also by sealing the premises without following rules on 29.11.2016.

4. This Court, at this stage, is not inclined to go into all the rival contentions of the parties as it is for the Adjudicating Authority to consider and decide the same on merits and in accordance with law. However, the grievance of the petitioner herein is that entire premises is locked, where, apart from the disputed salt packets, which were seized, some other household items of the petitioner are also kept inside. Therefore, it is stated that the fifth respondent may be directed to open the premises and shift the seized salt packets to some other location.

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



6. Considering all these aspects, this writ petition is disposed of with the following directions:-

(a) the fifth respondent shall open the premises in the presence of the petitioner, after giving due notice to him.

(b) after opening the premises, the fifth respondent shall remove the salt packets already seized and kept in safe custody to some other premises of his choice for keeping the same under safe custody continuously.

(c) on such removal of the seized salt packets from the petitioner's premises, the petitioner shall be permitted to occupy the premises.

(d) the proceedings initiated under the abovesaid Food Safety and Standard Act, 2006 shall be completed in accordance with the procedure contemplated therein as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To,

1. The Secretary,
Health and Family Welfare,
Fort St. George, Chennai - 9.

2. The Director,
Family Health Department, Chennai.

3. The Director
Food and Safety Department,
Fort St George, Chennai - 9.

4. The District Collector,
Thanjavur District, Thanjavur.

5. The Designated Officer,
Food Safety and Drug Administration Department,
DDHS Campus, Ganhiti Road, Thanjavur - 613 001.

+1cc to Mr. E. Somasundaram, Advocate in SR.No.81625/2016

+1cc to the Spl. Govt. Pleader in SR No.81913