

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.9533 of 2017
and W.M.P.No.10548 of 2017

M.Karimullah Khan

... Petitioner

Vs.

- 1.The Commissioner of Food Safety,
Office of Commissioner of Food Safety,
5th Floor, DMS Building,
No.259, Anna Salai, DMS Campus,
Teynampet, Chennai - 600 006.
- 2.The District Collector,
Collectorate, Villupuram District.
- 3.The Designated Officer,
Tamil Nadu Food Security & Drug
Administration Department,
Office of Food Safety and Standard Authority,
No.38, II Floor,
Collectorate Building,
Villupuram District - 605 602.
- 4.The Food Analyst,
Food Analysis Laboratory,
King Institute Campus,
Guindy, Chennai - 600 032.
- 5.The Food Safety Officer,
Villupuram Municipality,
Villupuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the impugned proceedings of the 4th respondent herein in his order dated 27.12.2016 and quash the same in so far as 175 bags of groundnut kernel with each bag weighing 80 kg

is concerned and consequently, direct the 4th respondent herein to return the said seized goods to the petitioner herein enabling the petitioner herein to use the same alternatively as natural manure.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the impugned proceedings of the 4th respondent herein in his order dated 27.12.2016 and quash the same in so far as 175 groundnut bags of kernel with each bag weighing 80 kg is concerned and consequently, direct the 4th respondent herein to return the said seized goods to the petitioner herein enabling the petitioner herein to use the same alternatively as natural manure.

2.According to the petitioner, the 2nd respondent conducted an inspection in the Edible Oil Manufacturing Concern situated at East Pondy Road, Villupuram on 18.11.2016 and during the inspection, the 5th respondent, alleging that the food products found in the petitioner's Concern contraband the statutory provisions of Food Safety and Standards Act, seized 175 bags of groundnut kernel and other food products. The 5th respondent, vide his impugned order dated 27.12.2016, had placed the seized goods in the safe custody until further orders and had obtained necessary bonds and sureties for not tampering or mishandling the seized goods. Challenging the order dated 27.12.2016, the petitioner has filed the above Writ Petition.

3.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents submitted that a criminal case has been initiated in S.T.C.No.696 of 2017 on the file of the Judicial Magistrate No.I, Villupuram and the criminal case is posted for hearing on 23.06.2017.

4.The learned counsel appearing for the petitioner also, on verification, submitted that the criminal case is posted on the said date. Further, the learned counsel submitted that the petitioner may be given liberty to move the criminal Court for return of the seized goods in accordance with law, for which the learned Special Government Pleader has no objection.

5. In view of the submissions made by the learned counsel on either side, the Writ Petition stands closed. However, it is open to the petitioner to file appropriate application in S.T.C.No.696 of 2017 on the file of the Judicial Magistrate No.I, Villupuram for getting return of the seized goods. If such an application is being filed by the petitioner, the Judicial Magistrate shall decide the same in accordance with law, as expeditiously as possible. It is needless to say that the provisions of the Criminal Procedure Code shall have application in respect of the present case pending before the Judicial Magistrate No.I, Villupuram. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

va

To

1. The Commissioner of Food Safety,
Office of Commissioner of Food Safety,
5th Floor, DMS Building,
No.259, Anna Salai, DMS Campus,
Teynampet, Chennai - 600 006.
2. The District Collector,
Collectorate, Villupuram District.
3. The Designated Officer,
Tamil Nadu Food Security & Drug
Administration Department,
Office of Food Safety and Standard Authority,
No.38, II Floor,
Collectorate Building,
Villupuram District - 605 602.
4. The Food Analyst,
Food Analysis Laboratory,
King Institute Campus,
Guindy, Chennai - 600 032.

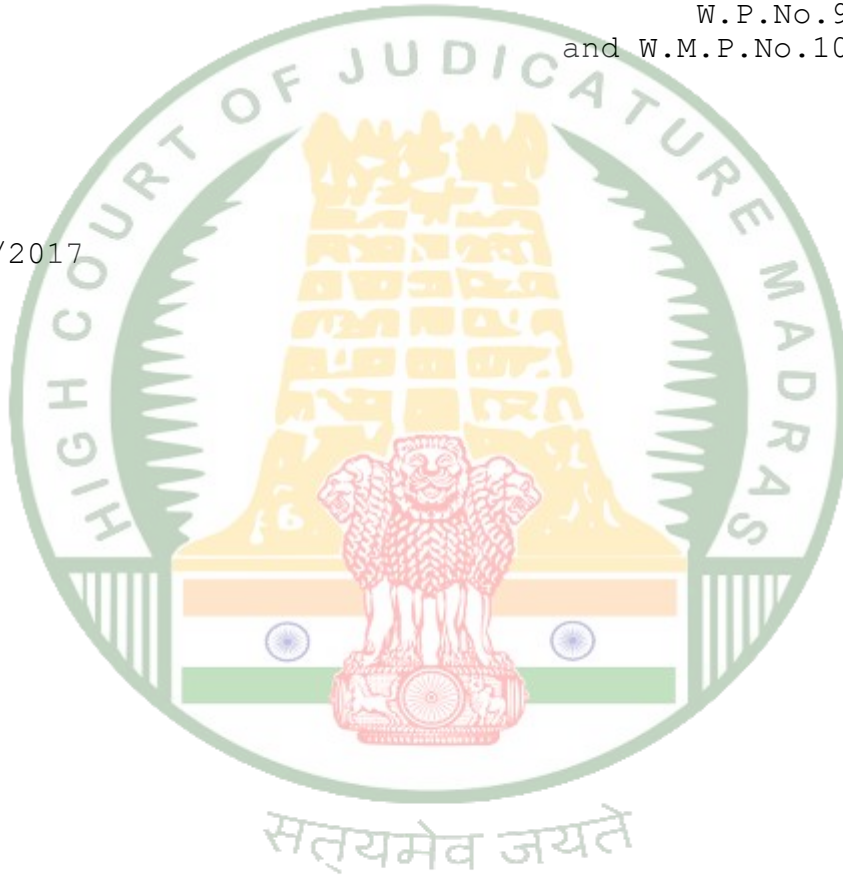
5.The Food Safety Officer,
Villupuram Municipality,
Villupuram District.

6.The Judicial Magistrate No.I,
Villupuram.

+1cc to Mr.D.Ravichander, Advocate Sr.41762

W.P.No.9533 of 2017
and W.M.P.No.10548 of 2017

gp[col]
srg 14/06/2017



WEB COPY