

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5695 of 2017 and

W.M.P.No.6084 of 2017

1. S.S.I. Sikkanthar Ali

2. J. Abdul Mallick

...Petitioners

Vs.

1.The Designated Officer,
Food Safety & Drug Administration Department,
(DDHS Campus),
Tirvallur.

2.The District Revenue Officer,
Office of the Collectorate Complex,
Tiruvallur,
Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to Na.Ka.No.32617/2015/S-1 dated 12.01.2017 on the file of the 2nd respondent and quash the same.

For Petitioners : Mr.P.Sidharthan

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

ORDER

The petitioners have filed the above Writ Petition to issue a writ of Certiorari to call for records pertaining to the order dated 12.01.2017 on the file of the 2nd respondent and to quash the same.

2.It is the case of the petitioners that on 27.11.2014, the Food Inspector took the Idly Rava packet containing 500 gms of Idly Rava and found that it is unfit for human consumption and it does not match their standard limits. The sample was sent to Food Analysts, who found that the product is good for human consumption and recommended that labelling was not done as per specification. By order dated 25.07.2016, the 2nd respondent found that the petitioners are guilty and imposed a fine of Rs.25,000/- to each of the petitioners.

3.Thereafter, the petitioners filed a Review Application before the 2nd respondent, which according to Mr.A.N.Thambidurai, learned Special Government Pleader, was also dismissed by the 2nd respondent.

4.Subsequently, the petitioners gave an application before the 2nd respondent for reducing the fine amount and the same was also dismissed by

the 2nd respondent, against which, the petitioners have filed the above Writ Petition.

5.As per Section 58 of the Food Safety and Standards Act, 2006, whoever contravenes any provisions of the Act or the rules or the regulations made thereunder, for the contravention of which no penalty has been separately provided, shall be liable to a penalty, which may extend to Rs.2 lakhs.

6.The learned counsel appearing for the petitioners submitted that the petitioners have not violated or contravened the provisions of the Act and therefore, levy of Rs.50,000/- as penalty on the petitioners is very much on the higher side.

7.Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the respondents submitted that the authority can impose a penalty of Rs.2 lakhs and therefore, the imposition penalty of Rs. 25,000/- each, on the petitioners, is just and proper.

8.On a careful consideration of the materials available on record and the provisions of the Act, since the petitioners have not challenged the order

finding them guilty of the offence and that they have only requested for a decrease in the penalty amount, I am of the view that the penalty amount of Rs.25,000/- each, on the petitioners, can be reduced to Rs.20,000/- each. The petitioners shall pay the penalty amount of Rs.40,000/- instead of Rs.50,000/- imposed by the 2nd respondent.

9. With these modifications, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va/klt/jer

11.04.2017

To

1. The Designated Officer,
Food Safety & Drug Administration Department,
(DDHS Campus),
Tirvallur.
2. The District Revenue Officer,
Office of the Collectorate Complex,
Tiruvallur, Tiruvallur District.

M.DURAISWAMY,J.

va/klt/jer

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