

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.2417 of 2017

and

W.M.P.Nos.2395 and 2396 of 2017

Sri Balamurugan Sago Industries
rep. by its Managing Partner
N.Kanagaraj

.. Petitioner

Vs

1.Food Safety and Standards Authority
of India (Ministry of Health and
Family Welfare), FDA Bhavan,
Kotla Road, New Delhi - 110 002.

2.Commissioner of Food Safety,
No.359, Anna Salai, V Floor,
DMS Office Building, DMS Campus,
Teynampet, Chennai - 6.

3.Designated Officer,
Food Safety and Drug Administration
Department, Salem District.

4.Designated Officer,
Food Safety and Drug Administration
Department, Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the entire records relating to the proceeding in Order No.5193/2015/S6/FSSA dated 14.09.2015 on the file of the second respondent herein and quash the same and consequently direct the respondents herein not to impose ban or any other restrictions in contravention of the provision of the Food Safety and Standards Act, 2006 against the right of the petitioner herein to procure and transport its raw material wet tapioca starch for manufacturing sago.

For Petitioner .. Mr.V.R.Rajasekaran
For Respondents .. Mr.M.Elumalai,
Govt. Advocate for R2 to R4
No appearance for R1

ORDER

Challenging the order of the second respondent dated 14.09.2015 and for a consequential direction to the respondents not to impose ban or any other restrictions in contravention of the provision of the Food Safety and Standards Act, 2006 against the right of the petitioner herein to procure and transport its raw material wet tapioca starch for manufacturing sago, the present writ petition has been filed.

2.The impugned order has been passed based upon the order passed by the Division Bench. It appears, the said order has been modified subsequently. Consequently, another proceedings have been issued by the office of the Commissioner of Food Safety and Drug Administration in E.No.5193/2015/89/FSSA dated 02.06.2017. The said order reads as under:

".....
.....

In the subsequent hearing on 09.02.2017, the Hon'ble Chief Justice and Hon'ble Justice M.Sundar have ordered as follows:

"In pursuance of our last order dated 24.11.2016 the Food Safety and Standard Authority of India have suggested that as an interim measure, the draft notification published may be followed.

We are inclined to accept this suggestion and thus modify the interim order to the extent that instead of a blanket ban, the tests as specified in the draft notification may be followed."

The Food Safety and Standards Authority of India in the draft notification has given standards for sago.

The Government Pleader, Hon'ble High Court has opined in the reference 4th cited that the earlier blanket ban order on wet starch does not continue and as per the modified order passed subsequently the above said formulas stipulated above has to be strictly followed.

Therefore, the Designated Officers Salem, Namakkal, Dharmapuri, Erode, Trichy, Villupuram and Perambalur Districts are informed that the ban order on the sale of wet starch for the manufacture of sago vide R.No.5193/2015/86/FSSA dated 14.09.2015 does not continue."

3.In view of the same, nothing survives for adjudication as the impugned order is no longer in existence. Accordingly, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

mmi

To

- 1.The Food Safety and Standards Authority of India (Ministry of Health and Family Welfare), FDA Bhavan, Kotla Road, New Delhi - 110 002.
- 2.The Commissioner of Food Safety, No.359, Anna Salai, V Floor, DMS Office Building, DMS Campus, Teynampet, Chennai - 6.
- 3.The Designated Officer, Food Safety and Drug Administration Department, Salem District.
- 4.The Designated Officer, Food Safety and Drug Administration Department, Namakkal District.

+ 1 cc to Mr.V.R.Rajasekaran Advocate, SR.85228
+ 1 cc to The Govt.Pleader, SR.85899

W.P.No.2417 of 2017

NR 14/12/2017