

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.17448 of 2017

M/s.A.R.Starch Products,
(Membership No.M1505),
Rep., by Managing Partner,
A.Raju,
5/21-A, Asari Kadu,
Palaniappar Koil Road,
Belukurichi Post,
Namakkal District ...Petitioner

Vs.

The Commissioner,
Industries and Commerce,
Government of Tamil Nadu,
SIDCO Corporate Office Building,
3rd Floor, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032. ...Respondent

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to consider and dispose of the appeal filed by the petitioner on 12.05.2017 after giving an opportunity of hearing.

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mrs.T.Girija,
Government Advocate

ORDER:

According to the learned counsel for the petitioner, the petitioner, A.R.Starch Products is a registered member a Society named Sagoserve through which the petitioner is selling sago rice. From the year 2012, the petitioner is making

representations to various authorities including the Central Government agencies complaining about some manufacturing units of sago rice wherein chemicals are being used to bleach the sago to bring colour so as to sell at a better price which is against FSSAI laws. It is stated that on 14.02.2017, the petitioner supplied some bags of sago, and some bags on 16.02.2017. For the said consignments the petitioner had been credited certain money. On 06.03.2017, on the instructions of some of the grudging elected directors of the society, District Designated Officer, Food Safety Wing, Namakkal inspected the factory premises and passed an order in Na.Ka.No.267/2017/A2 dated 06.03.2017 restraining the petitioner from manufacturing sago and also collected samples from the consignments supplied by the petitioner and sent for test. The report of which was obtained on 31.03.2017 which mentioned that the sample contained corn less than 5%. Later on 06.04.2017, the above order was recalled by the above Officer. Though the petitioner was alleged to have bleached the sago, no action has been taken under the provisions of the Food Safety and Standards Act, 2006 which confirmed that the said inspection had been done purposefully. While the said proceedings were pending, the Officer had served an order on 16.03.2017 removing the petitioner from the membership of the Society stating that the petitioner had manufactured sago by mixing maize powder and so the petitioner will not be permitted to send sago to the Society and the sago already sent to the Society will not be sold. The said order has been challenged before the Commissioner of Industries and Commerce by the petitioner by filing an appeal along with a stay application on 12.05.2017, which is still pending even without numbering. As the petitioner is unable to sell sago worth several lakhs, the writ petition has been filed before this Court.

2. The learned Government Pleader would submit that the impugned order has been passed by the Managing Director, Salem Starch & Sago Manufacturers Service Industrial Cooperative Society Limited on 16.03.2017 by invoking the powers under clause 13(1) of the bye-laws of the Society.

3. As contended by the learned counsel for the petitioner, there is an urgency in selling the large amount of sago placed in the petitioner's factory. Hence, without going into the merits of the case, this court is inclined to direct the respondent consider the appeal dated 12.05.2017 filed by the petitioner after providing an opportunity to the petitioner and pass orders as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this Order.

4. The writ petition is disposed of with above directions. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

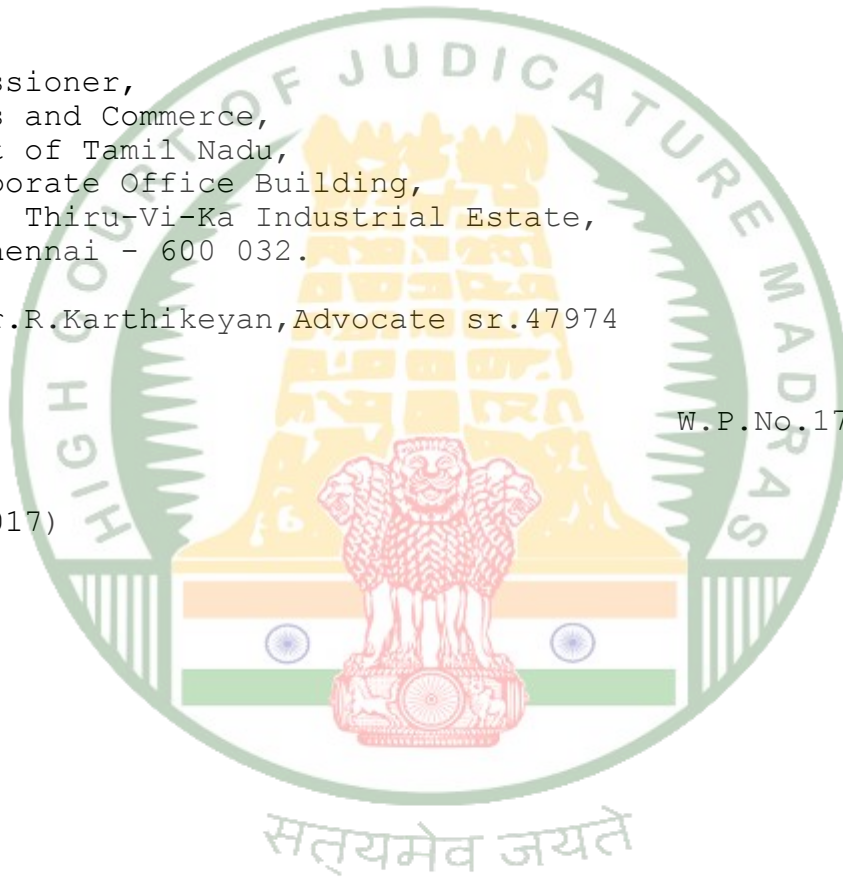
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To
The Commissioner,
Industries and Commerce,
Government of Tamil Nadu,
SIDCO Corporate Office Building,
3rd Floor, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

+1cc to Mr.R.Karthikeyan,Advocate sr.47974

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sk(co)
ss(12/7/2017)



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