



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. [MD] .No.1316 of 2016

and

C.M.P. (MD) No.9355 of 2016

Nigetha Trading Co.
Tin No.33843785200,
2/391, Rajapuram Road,
K.Paramathi, Karur District,
Rep. by its Sole Proprietor,
Mr.D.Palanivel

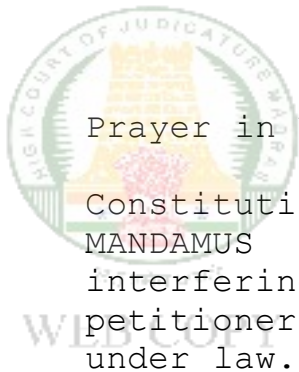
: Appellant / Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Food Protection and Drugs
Administration Department,
DPH Building, 5th Floor,
Teynampet, Chennai-6.
- 2.The Assistant Commissioner,
Commercial Taxes, Karur West.
- 3.The District Collector,
Karur District.
- 4.The District Revenue Officer,
Karur District.
- 5.The District Supply Officer,
Tamil Nadu Food Protection and Drugs
Administration Department,
Karur District.
- 6.The Food Safety Officer,
Tamil Nadu Food Protection and Drugs
Administration Department,
Karur District.

: Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of this Court dated 09.08.2016, made in W.P. (MD).No.6751 of 2016.



Prayer in WP(MD). 6751/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS for bearing the respondents from in any manner interfering nor disturbing with the running of the business of the petitioner by name Nigetha Trading Company which are permitted under law.

For Appellant	: Mr.AR.L.Sundaresan, Senior Counsel, For M/s.AL.Ganthimathi
For Respondents	: Mr.VR.Shanmuganathan, Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

This Writ Appeal is directed against the order of Writ Court dated 09.08.2016, made in W.P.(MD).No.6751 of 2016, whereby and whereunder, the learned Single Judge has dismissed the Writ Petition by a detailed order holding that the Writ Petition is premature.

2. Today, when the matter was taken up for consideration, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the appellant submits that though the appellant Company is having licence to manufacture Edible and Non-Edible Oil, they are dealing with only Non-Edible Oil as well as soap oil and not with the Edible Oil. While so, on 01.03.2016 the fifth respondent/Designated Officer, Tamil Nadu Food Protection and Drugs, Administration Department, Karur District and the sixth respondent/Food Safety Officer, Tamil Nadu Food Protection and Drugs, Administration Department, Karur District, along with the Revenue Divisional Officer, Karur, Tahsildar, K.Paramathi, Inspector of Police, K.Paramathi Police Station, Village Administrative Officer, K.Paramathi and media persons made an entry into the appellant's company, without any search warrant and intimation, during evening time and without the presence of the Proprietor, they searched the company premises and took samples without consent, without any prior notice and due opportunity to the appellant/Company, to state its explanation and against the Law. Moreover, even without obtaining the result of the analysis report from the Food Analyst and that without jurisdiction and without following the mandatory proceedings contemplated under the Rules and Regulations, formulated under the Food Safety and Standards Act, 2006, the fifth respondent/Designated Officer, Tamil Nadu Food Protection and Drugs, Administration Department, Karur District had forcefully locked and sealed the appellant's premises without any order passed to that effect. In this regard, a detailed representations dated 02.03.2016 and 08.03.2016 were



also sent enclosing all the relevant documents requesting them to remove the lock and seal put up by the fifth respondent and allow the appellant to run his business.

3. When the appeal came up for hearing before this Court on 03.11.2016, this Court has directed the fifth respondent to consider and dispose of the appellant's representation dated 02.03.2016 and further representation, if any, to be submitted by the appellant along with necessary documents, within a period of three weeks from the date of receipt of a copy of the said order by affording an opportunity of personal hearing to the Proprietor of the appellant Concern or his authorized representative.

4. In pursuance of the said order dated 03.11.2016, by providing sufficient opportunity, the representation of the appellant was considered and the lock and seal put up by the fifth respondent was removed.

5. The learned Special Government Pleader has also produced a copy of the order passed by the fifth respondent with regard to the removal of seal.

6. In view of the above, since the seal has already been removed, nothing survives for adjudication in this appeal. Accordingly, the Writ Appeal is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Tamil Nadu Food Protection and Drugs
Administration Department,
DPH Building, 5th Floor,
Teynampet, Chennai-6.
2. The Assistant Commissioner,
Commercial Taxes, Karur West.
3. The District Collector,
Karur District.
4. The District Revenue Officer,
Karur District.
5. The District Supply Officer,
Tamil Nadu Food Protection and Drugs
Administration Department,
Karur District.



6.The Food Safety Officer,
Tamil Nadu Food Protection and Drugs
Administration Department,
Karur District.

+1cc to M/S.AL.GANDHIMATHI, ADVOCATE SR.No. 5555

+1cc to SPECIAL GOVT.PLEADER SR.No.5722

SML

PSM/CM-MSA/28.02.2017/4P/9C

Judgment made in
W.A. (MD) No.1316 of 2016
Dated: 01.02.2017