



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.09.2017

CORAM:

THE HON'BLE Mr.JUSTICE **K.KALYANASUNDARAM**

WEB COPY

W.P(MD).No.10319 of 2017

and

W.M.P(MD)Nos.7897 and 11551 of 2017

M/s.Vaipugaiyilai Urpathiyalargal Matrum
Virpanaiyalargal Nala Sangam,
Rep. by its Secretary S.Noordeen,
S/o.Shamsudeen Rowther,
T.S.No.2253, South Main Street,
Pudukkottai - 622 001.

... Petitioner

Vs.

The Commissioner of Food Safety,
O/o. The Commissioner of Food safety,
5th Floor of DMS Office Building,
259, Anna Salai, DMS Campus, Teynampet,
Chennai-600 006.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the Notification under No.VI(1)/155(a)/2017, dated 23.05.2017, on the file of the respondent herein and to quash the same as illegal as far as the "Chewing Tobacco" is concerned.

For Petitioner : Mr.G.Thalaimutharasu
for Mr.K.R.Laxman

For Respondent : Mr.C.Selvaraj
Special Government Pleader

ORDER

The petitioner has come up with the present Writ Petition for issuance of a Writ of Certiorari, to call for the Notification under No.VI(1)/155(a)/2017, dated 23.05.2017, on the file of the respondent herein and to quash the same as illegal as far as the Chewing Tobacco is concerned.

2.Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.C.Selvaraj, learned counsel for the respondent.

3.According to the petitioner, it is a registered society consisting of members, who are cultivating, manufacturing and trading of Tobacco at various places. The object of the society is



5.The learned counsel for the respondent filed counter-affidavit and they have raised the following issues in paragraph No.18 of the counter-affidavit and the same reads as follows:-

(a) The food Safety Officers does not have any authority to inspect/ban/the sale of the said products viz., "CHEWING TOBACCO"

(C) The product itself is manufactured under the COTPA 2003, hence the Food Safety is not having any rule or authority to interfere in the business of the petitioner."

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To
The Commissioner of Food Safety,
O/o. The Commissioner of Food safety,
5th Floor of DMS Office Building,
259, Anna Salai, DMS Campus, Teynampet, Chennai-600 006.
+1cc to M/S.K.R.LAXMAN, Advocate SR.No.78870
+1cc to Special Government Pleader, SR.No. 78809
das/ps