

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13040 of 2009

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to direct the respondents not to take any coercive steps against the petitioner industry pursuant to the oral instructions issued by the 1st respondent as long as the petitioner do not sell the water in packaged Form by duly declaring the seizure panchanama conducted by the 2nd respondent on 26.06.2009 on the oral instructions issued by the 1st respondent, even though selling of water in loose form in different containers without package does not come under the purview of Food as defined under Section 2(V) of Food Adulteration Act, 1954, as illegal and arbitrary.

When the matter is taken up for hearing, it is informed by the learned counsel for the petitioner that while admitting the writ petition on 01.07.2008, this Court granted interim suspension of the panchanama and directed the respondents not to interfere with the business of the petitioner without following due process of law, and that the writ petition may be disposed of on the same lines.

This Court perused the record. It the case of the petitioner industry that after obtaining permission from the Grampanchayat, it started selling the water to the needy persons in the village on competitive price. But, the 2nd respondent – Executive Officer, Mavala Grampanchayat, seized the petitioner industry on the ground that there are defects in the water, without affording any opportunity to the petitioner and without following due procedure, on the oral instructions of the 1st respondent.

Considering the circumstances of the case and the grievance of the petitioner, this Court is of the view that the writ petition can be disposed of with a direction to the respondents to follow due procedure.

Hence, the Writ Petition is disposed of directing the respondents not to interfere with the business of the petitioner, without following due process of law.

No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

August 10, 2017

KTL

RAJA ELANGO, J

