

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.729 of 2018
and
C.M.P.No.6978 of 2018

M/s.Nandhi Dall Mill
Rep. by its General Manager
Mr.B.Selvarathinam
No.270 Narasimha Road
Shevapettai Salem-636 002.

Appellant

Versus

- 1 The Food Safety Officer
Ammapettai Zone III
Salem Taluk Salem District.
- 2 The District Revenue Officer
Salem.
- 3 The Registrar
Food Safety Appellate Tribunal
Chennai

Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 1.11.2016 passed in W.P.No.37720 of 2016 on the file of this court.

W.P.No.37720 of 2016:-

Writ Petition filed under Article 226 of the constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent under Na.Ka.34006/2014-J7 dated 21.09.2016 and quash the same as being illegal and depriving the petitioner out of its statutory remedy and consequently direct the 2nd respondent to defer further proceedings until the appeal is numbered and taken up by the 3rd respondent

For appellant : Mr.P.N.Vignesh

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard and perused the order passed by the learned Single Judge.

2. Aggrieved by the order passed by the learned Single Judge in directing the appellant/writ petitioner to deposit a sum of Rs.1,00,000/- before the second respondent-Original Authority, the writ appeal has been preferred.

3. It appears that on a surprise inspection of a provision shop by the authority concerned, a sub-standard product was found and as a consequence, the product was seized and sent for analysis in the Laboratory and on such report, the appellant, being manufacturer of such a product, was imposed with a fine of Rs.1,00,000/- for having manufactured a sub-standard product against which, the appellant is said to have preferred an appeal before the Appellate Tribunal, but, the same is yet to be numbered because of non-functioning of the appellate authority due to non-appointment of Presiding Officer and hence, the appellant had knocked the doors of the court by filing the writ petition.

4. The grievance of the appellant is that when the appellant had preferred the appeal before the appellate authority in time, the learned Single Judge directed the appellant to remit a sum of Rs.1,00,000/- equivalent to the fine amount imposed by the original authority to be kept in a different account.

5. On perusal of the order passed by the learned Single Judge, we find that the learned Single Judge directed the appellant to deposit the said amount not as a penalty, but, only as a deposit, without prejudice to the appeal preferred by the appellant. It is needless to say that on adjudicating the issue by the appellate authority, decision will be taken by the authority itself or by this court, if the petitioner moves this court, on being aggrieved by the decision of the appellate authority, in the matter of return of the deposit of the amount. Therefore, we do not find any illegality or irregularity in the order passed by the learned Single Judge.

The writ appeal is dismissed. The appellant is granted another four weeks time from the date of receipt of a copy of

this judgment, to deposit the amount as directed by the learned Single Judge. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

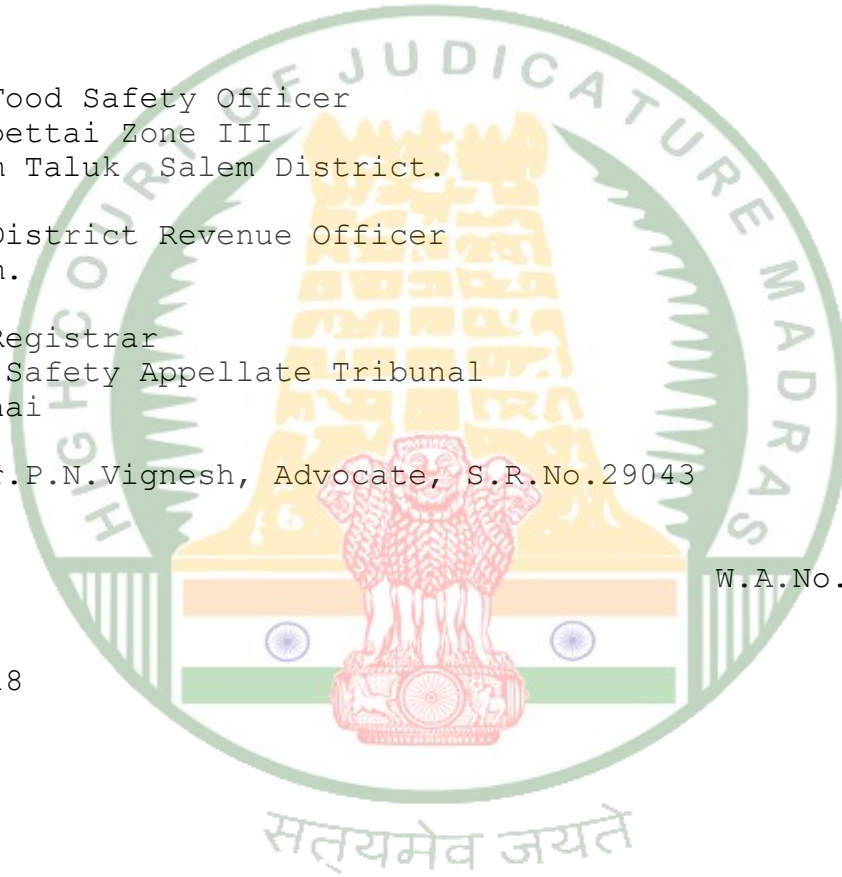
To:

- 1 The Food Safety Officer
Ammapettai Zone III
Salem Taluk Salem District.
- 2 The District Revenue Officer
Salem.
- 3 The Registrar
Food Safety Appellate Tribunal
Chennai

+1cc to Mr.P.N.Vignesh, Advocate, S.R.No.29043

W.A.No.729 of 2018

NA (CO)
CS/07/06/18



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