

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

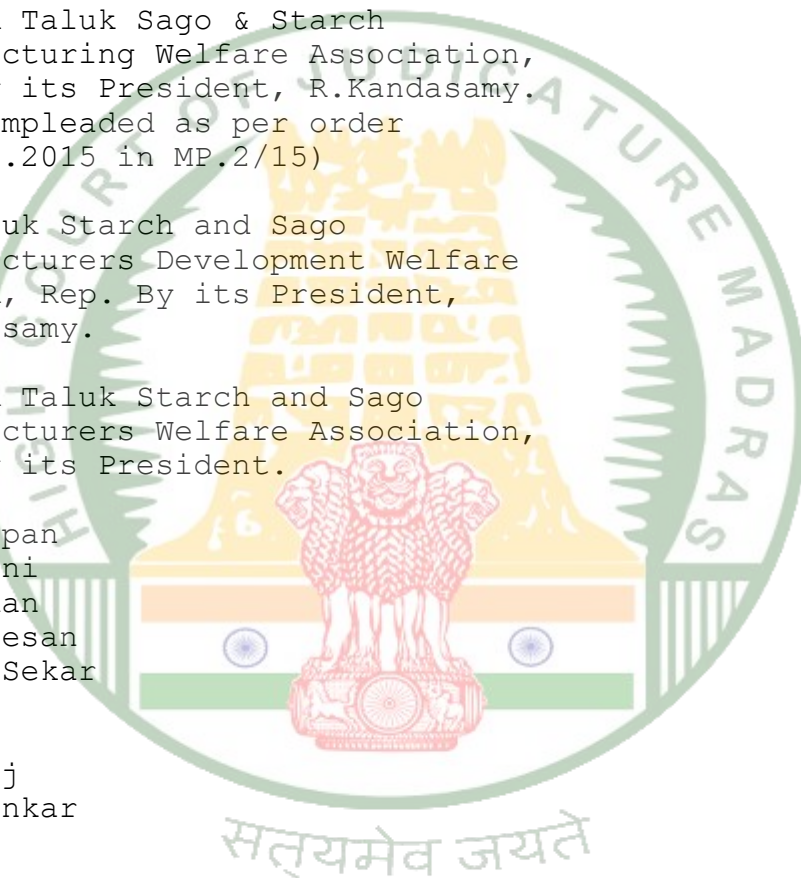
W.P.No.20124 of 2015
and M.P.No.1 of 2015

Kalkurichi Vellalapatti Vivasayigal
Munnetra Sangam, Rep. By its
Secretary. ... Petitioner

-vs-

- 1.The Principal Secretary to Govt.,
Public Health and Family Welfare Dept.,
Secretariat, Madras 600 009.
- 2.The Principal Secretary,
Govt. of Tamil Nadu, Micro, Small and
Medium Enterprises Dept.,
Secretariat, Madras 600 009.
- 3.The Commissioner of Food Safety,
5th Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai 600 006.
- 4.The Commissioner,
Industries and Commerce,
No.36, South Canal Bank Road,
Mandavelipakkam, Raja Annamalaipuram,
Madras 600 028.
- 5.The District Collector,
Salem District, Salem.
- 6.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Madras 600 032.

- 7.The Managing Director,
Sagoserve, Jagirammappalayam,
Omalur Main Road, Salem 636 302.
- 8.The Designated Officer,
Food Safety Department,
Salem District, Salem.
- 9.Tamil Nadu Tapioca Natural Sago
Manufacturers Association,
Rep. By its Secretary.
- 10.Rasipuram Taluk Sago & Starch
Manufacturing Welfare Association,
Rep. By its President, R.Kandasamy.
(R-10 impleaded as per order
dt.7.9.2015 in MP.2/15)
- 11.Attur Taluk Starch and Sago
Manufacturers Development Welfare
Sangam, Rep. By its President,
S.Duraisamy.
- 12.The Salem Taluk Starch and Sago
Manufacturers Welfare Association,
Rep. By its President.
- 13.K.Athiyappan
- 14.S.Kalaimani
- 15.A.P.Ashokan
- 16.K.B.Kumaresan
- 17.A.N.Babu Sekar
- 18.S.Ramya
- 19.V.Lokraj
- 20.S.Selvaraj
- 21.G.Ravishankar
- 22.R.Sekar
- 23.R.Elango
- 24.S.T.V.Ganapathy
- 25.K.Dhanapalan
- 26.A.Arumugam
- 27.J.B.Rajamani Kandan
- 28.A.Shanthi
- 29.Thillaikkarrasi Sago Factory,
Rep. By its Managing Partner, D.Sridhar.
(R-11 to R-29 impleaded as per order
dt.17.11.2015 in Mps.4 to 6/2015)



30.Tamilaga Small Scale Tapioca Starch
Manufacturers Welfare Association,
Rep. By its President, S.Vetrivel.

31.Salem Sago and Starch Merchants
Association, Rep. By its Secretary.
(R-30 & R-31 impleaded as per order
dt.16.06.2016 in WMP.17189 & 17403/2016)

32.The Ministry of Health & Family Welfare,
Govt. of India, New Delhi.

33.Food Safety Standards Authority of India,
FDA Bhavan, Kolta Road, New Delhi-110 002.
(R-32 and R-33 impleaded as per order
dt.16.06.2016 in WP.Nos.2012, 38287
and 41060 of 2015) ... Respondents

Petition filed under Article 226 of the Constitution of
India praying for issue of Writ of Mandamus to direct the
respondents 1 and 2 to consider the representation of the
petitioner association dated 03.11.2014.

For Petitioner : Mr.T.S.Baskaran
For Respondents : Mr.E.Manoharan
Addl.G.P. for RR 1 to 5
: Mrs.Rita Chandrasekar for R-6
: Mr.L.P.Shanmughasundaram
Spl.G.P. For R-7
: Mr.S.R.Rajagopal
Addl. Adv. General, for R-8
assisted by Mr.Kamalesh, G.A. for R8
: Mr.R.Gandhi, Sr. Counsel
for Mr.R.G.Narendran for R-9
: Mr.V.R.Rajasekaran for RR 11 & 12
: Mr.Rahul Balaji for RR-10 & 31
: Mr.G.Arul Murugan for R-30
: Mr.G.Karthikeyan,
Asst. Solicitor General for R-32
: Mr.Yasmeen Ali for R-33

O R D E R
(Made by Ms.Indira Banerjee, Chief Justice)

The petitioner association registered under the Tamil Nadu
Societies Registration Act, Act 25 of 1975 with registration
No.88/2009 is an association of farmers farming tapioca and

supplying the same for the purpose of manufacture of sago. The petitioner association had submitted a representation suggesting remedial measures to curtail adulteration at the time of manufacturing sago.

2. It appears that the Ministry of Health and Family Welfare has issued notification in F.No.2/Std/CPL & CP/Notification/FSSAI-2016 (part) dated 24.10.2017 published in the Gazette of India dated 31.10.2017 amending the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, in relation to Tapioca Sago. Tapioca sago is to be free from insect infestation, live and dead insects, dirt, extraneous matter, visible mould growth and is to comply with the standards specified in the regulations as amended.

3. In view of the aforesaid notification, the writ petition has become infructuous and the same is disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed.

4. It is, however, directed that Food Safety Department of Government of Tamil Nadu and the authorities under the Food Safety Standards Authority of India shall ensure that the standards prescribed are complied with by the sago manufacturers. The authorities shall also ensure that no harmful chemicals are used in the manufacture of sago.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Principal Secretary to Govt.,
Public Health and Family Welfare Dept.,
Secretariat, Madras 600 009.

2. The Principal Secretary,
Govt. of Tamil Nadu, Micro, Small and
Medium Enterprises Dept.,
Secretariat, Madras 600 009.

3. The Commissioner of Food Safety,
5th Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai 600 006.

- 4.The Commissioner,
Industries and Commerce,
No.36, South Canal Bank Road,
Mandavelipakkam, Raja Annamalaipuram,
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- 5.The District Collector,
Salem District, Salem.
- 6.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Madras 600 032.
- 7.The Managing Director,
Sagosome, Jagirammappalayam,
Omalar Main Road, Salem 636 302.
- 8.The Designated Officer,
Food Safety Department,
Salem District, Salem.
- 9.The Ministry of Health & Family Welfare,
Govt. of India, New Delhi.
- 10.Food Safety Standards Authority of India,
FDA Bhavan, Kolta Road, New Delhi-110 002.

+1cc to M/s.K.S.Karthik Raja, Advocate Sr.No.20994
+1cc to Mr.G.Arul Murugan, Advocate Sr.NO.21220
+1cc to Mr.G.Karthikeyan, Advocate Sr.No.21259
+1cc to M/s.P.Mahalakshmi, Advocate Sr.No.20364
+1cc to Mr.T.S.Baskaran, Advocate sr.No.20684
+2cc to Mr.V.R.Rajasekaran, Advocate Sr.No.20359
+1cc to Government Pleader Sr.No.20644

Copy to:1.The Additional Public Prosecutor
High Court, Madras

- 2.The Designated Officer
Food Safety Department,
Government of Tamilnadu,
Fort St. George, Chennai-9.

RK(CO)
sm:10.4.2018

W.P.No.20124 of 2015