

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.18669 of 2018

S.Sugumaran,
Prop. of SSVK Aqua Products,
No.149, Vellivoyal Vichur Village,
Ponneri, Tiruvallur District.

...Petitioner

Vs

The Revenue Divisional Officer,
Office of the District Collectorate,
Tiruvallur District.

...Respondent

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to de-seal the water Unit premises of the petitioner bearing Sl.Nos.45/1B, 45/2B, Door No.149, Vellivoyal Vichur Village, Tiruvallur District forthwith.

For Petitioner : Mr.K.Ravi Anantha

For Respondent : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

This petition is filed seeking a direction to the respondent to de-seal the water Unit premises of the petitioner bearing Sl.Nos.45/1B, 45/2B, Door No.149, Vellivoyal Vichur Village, Tiruvallur District.

2.The case of the petitioner is that he is the power of attorney of a packaged drinking water Unit, namely SSVK Aqua products. The trade license as SSI was obtained on 06.12.2017 under the nomenclature 'Udyog Aadhar', from the Government of India and has also obtained a license from Bureau of India Standards (BIS) valid upto 07.09.2018. The petitioner has applied for obtaining FSSAI certificate on 02.05.2018, which is yet to be issued by the Food Safety Authority. While so, the respondent along with other revenue officials suddenly closed the water unit of the petitioner on 17.07.2018 and sealed the same, without issuing any notice to the petitioner.

3.The submission of the representation by the petitioner to the Public Works Department is fairly admitted by the learned Additional Government Pleader appearing for the respondent. She fairly submitted that the respondent be directed to consider the said representation, on merits.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court permits the petitioner to approach the respondent with a copy of the representation already submitted to the Public Works Department, along with a copy of this order. On such submission, the respondent is directed to consider the said representation of the petitioner, after inspecting the petitioner's Unit and pass appropriate orders, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of the petitioner's representation above referred. While passing such an order, the respondent shall take into consideration the order passed by the Tribunal dated 12.11.2014 in M.A.Nos.253 and 254 of 2014 (SZ).

5.It is made clear that the respondent shall de-seal the petitioner's Unit as and when required, only for the purpose of inspection as well as for maintaining the membranes. However, the petitioner is not permitted to commence any commercial activities unless all the licenses are obtained.

6.Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gsa

To

The Revenue Divisional Officer,
Office of the District Collectorate,
Tiruvallur District.

+1cc to Mrs.P.Rajalakshmi, Advocate, S.R.No.58649
+1cc to the Government Pleader, S.R.No.58844

W.P.No.18669 of 2018

KJ(CO)
CS/31/08/18