

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.19323 of 2018

and

W.M.P.No.22725 of 2018

Arulmuthu
S/o.Thangaraj

... Petitioner

Vs.

- 1.The District Manager,
TASMAC - North,
Kanchipuram North,
Thirumazhisai Unit 3,
Chemberambakkam,
Chennai - 600 123.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Ltd. (TASMAC),
No.735, LLA Building, 4th Floor,
Annasalai, Chennai - 600 002.
- 3.The Tamil Nadu State Marketing
Corporation Ltd. (TASMAC),
represented by its
Managing Director,
Thalamuthu Natarajan Building,
Gandhi Irvin Road,
Egmore, Chennai - 600 008.
- 4.The District Collector,
Kancheepuram,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents, their men, people and agents or subordinates or any other persons claiming through them from in any manner closing the TASMAC shop No.4110 at No.1, Pozhichalur Main Road, Nehru Nagar, Pozhichalur, Chennai - 600 074.

For Petitioner : Mr.S.Balasubramanian
For Respondents : Mr.Arumugam Rajan,
Standing Counsel [R1 to R3]
Mr.R.P.Prathap Singh,
Government Advocate [R4]

O R D E R

The petitioner is before this Court seeking for a direction to the respondent to open the TASMACH Shop No.4110 at No.1, Pozhichalur Main Road, Nehru Nagar, Pozhichalur, Chennai - 600 074, along with the bar attached to it. The shop was closed on account of the fact that the petitioner did not produce the licence/registration Certificate under the Food Safety Standards of Food Business Regulations 2011. Earlier, the petitioner approached this Court and filed W.P.No.18545 of 2018 and the Writ Petition was disposed on 20.07.2018 with the following direction:

'3. The reason being that the first respondent issued a show cause notice dated 09.7.2018 directing the petitioner to produce necessary licence/registration under the Food Safety Standards of Food Businesses Regulations, 2011. Admittedly, till date, the petitioner has not obtained such a licence. Thus, without obtaining a licence, selling eatables is prohibited. Therefore, this Court cannot injunct or prevent or restrain the first respondent from proceeding further in accordance with law. However, since the impugned notice has been issued only on 09.7.2018, if the petitioner already applied for such a licence, it is open to the petitioner to approach the first respondent and submit a representation requesting a reasonable time to comply with the direction.'

2. Learned standing counsel for the respondents 1 to 3 submitted that the shop and the bar have not been closed and it is only the petitioner's apprehension.

3. Since the petitioner has obtained a license under the Food Safety Standards of Food Business Regulations 2011, then the respondents 1 to 3 should permit the petitioner to operate his license without any hindrance except in case where there is any statutory or other violations.

Accordingly, this Writ Petition is disposed of with the observation that the petitioner shall be entitled to enjoy the fruits of his business by selling the eatables in the bar

attached to Shop No.4110 and the license of the petitioner can be interfered in case there is any statutory or other violations. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The District Manager,
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Kancheepuram District.

+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.53318

W.P.No.19323 of 2018

RJ(CO)
CS/30/08/18