



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM :

**THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN**

WEB COPY

Writ Petition (MD) No.2491 of 2018andW.M.P (MD) No.2687 of 2018

M.Venkateshan

... Petitioner

Vs.

1.The Commissioner,

Tamil Nadu Food Safety and Drug Administration,

359, Anna Salai,

Chennai 6.

2.The Designated Officer,

Tamil Nadu Food Safety and Drug Administration

(Food Safety Wing),

Tirunelveli District.

3.The Food Safety Officer (279),

Tamil Nadu Food Safety and Drug Administration

(Food Safety Wing), Kadayanallur Block,

Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pursuant to the impugned notice issued by the 2nd Respondent vide proceedings in Na.Ka.No.219/A1/2018 Dated 22.01.2018 and quash the same as illegal and as against 2.4.2.(5) of food safety and standards rules 2011.

For Petitioner

: Mr.D.Selvaraj

For Respondents

:Mrs.J.Padmavathi Devi,  
Special Government Pleader.ORDER

This writ petition has been filed challenging the order passed by the third respondent permitting the petitioner to send sample for examination to a referral lab of his own choice.

2.According to the petitioner, he is the proprietor of a masala production unit. The third respondent inspected the premises and seized the food articles and sent the same to Food Analysis Lab, Tirunelveli for chemical examination. According to the petitioner, the report submitted by the Food Analyst dated 08.01.2018 is barred by limitation and after obtaining the said report, now the third respondent has passed the impugned order permitting the petitioner to send sample for examination to a referral lab of his own choice. Challenging the same, the present writ petition has been filed.



3. Admittedly, the impugned order has been passed by the third respondent as per Section 47(1)(3) of the Food Safety and Standards Act, 2006. The third respondent has only discharged his statutory duty and given an opportunity to the petitioner to send sample to a referral lab of his own choice and therefore, there is no infirmity in the order passed by the third respondent. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.2687 of 2018 is closed.

Sd/-

Assistant Registrar (ADI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,  
Tamil Nadu Food Safety and Drug Administration,  
359, Anna Salai,  
Chennai 6.

2. The Designated Officer,  
Tamil Nadu Food Safety and Drug Administration  
(Food Safety Wing),  
Tirunelveli District.

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Tamil Nadu Food Safety and Drug Administration  
(Food Safety Wing), Kadayanallur Block,  
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.47269

sms

RL/5C/2P/SKN/RSK/SAR4/27/2/2018

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