



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8874 of 2018

Tamil Nadu Packaged Drinking
Water Manufacturers' Association
(Regn.No.408 of 2002)
rep.by its President
No.10/5C, Madurai Road
Begampur Post, Dindigul-624 002.

... Petitioner

vs.

1. The Principal Secretary
to Government of Tamil Nadu
Health and Family Welfare Department
St.Fort George, Chennai-600 009
2. The Commissioner of Food Safety
6th Floor, DMS Office Building
259, Anna Salai,
Teynampet, Chennai-600 006
3. The Bureau of Indian Standard
South Regional Office
CIT Campus 4th Cross Street
Taramani, Chennai-600 113

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take action against the unorganized supplying water as drinking water by tanker lorries without a certificate or licence from the respondents authorities and packaged drinking water units running without any valid licence operating across the State of Tamil Nadu thereby prevent them from either distributing or supplying or selling drinking water.

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader for R1 & R2

O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Notice to the third respondent is dispensed with in view of nature of the order to be passed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 21.07.2017 seeking to take action against the unorganized supplying water as drinking water by the Tanker Lorries without any certificate or licence from the respondent - Authorities and the packaged drinking water units running without any valid licence operating across the State of Tamil Nadu and to prevent them from either distributing or supplying or selling drinking water to the public, has not been considered by the respondents 1 and 2 till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 21.07.2017 on its own merits and take further action in accordance with law. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be affected by any decision taken by the second respondent on the petitioner's representation. Such a process shall be commenced within a period of two weeks from the date of receipt of a copy of this order and final orders shall be passed as expeditiously as possible.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To:

1. The Principal Secretary
to Government of Tamil Nadu,
Health and Family Welfare Department,
St.Fort George, Chennai-600 009.

2. The Commissioner of Food Safety,
6th Floor, DMS Office Building,
259, Anna Salai,
Teynampet, Chennai-600 006.

+ 1 cc TO Mr.R.Devaraj , Advocate in SR No. 63195

krk

AE/RSK/SAR2/03.05.2018/3P/4C

W.P. (MD) No.8874 of 2018
23.04.2018