



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P.(MD) No.13798 of 2018

and

W.M.P.(MD).No.12513 of 2018

1.Sudharshana

2.A.Varshika

... Petitioners

vs.

1.The Designated Officer,

Food Safety and Drug Administration Department,

(Food Safety Wing)

Thanjavur.

2.V.Geetha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the first respondent for renewing or issuing any license under the Food Safety and Standards Act, 2006 to the second respondent or any other person claiming under her in our premises No.7, Ess-Vee Towers Ground Floor, Nageswaran South Street, Kumbakonam, Thanjavur District.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader for R-1

O R D E R

The writ petition has been filed for issuance of writ of Mandamus, forbearing the first respondent for renewing or issuing any license under the Food Safety and Standards Act, 2006 to the second respondent or any other person claiming under her in the petitioners' premises No.7, Ess-Vee Towers Ground Floor, Nageswaran South Street, Kumbakonam, Thanjavur District.

2.The petitioners are the owners of the premises No.7, Ess-Vee Towers Ground Floor, Nageswaran South Street, Kumbakonam, Thanjavur District. They let out the same to one Elumalai for doing business. Thereafter, the said tenant Elumalai had handed over the property to the second respondent. It appears that out of some money transaction, the property was sublet to the second respondent. During the earlier round of litigation, supply of electricity was questioned before this Court and it was decided in favour of the petitioners. Thereafter, the second respondent applied for licence for conducting the hotel business.



3.The learned counsel appearing for the petitioners would contend that the petitioners submitted their objections to the first respondent not to renew the licence, as per the statutory provisions under the Food Safety and Standards Act, 2006. The first respondent has acknowledged the receipt of representations and are pending before the first respondent. Therefore, the petitioners are before this Court with a limited prayer of seeking direction directing the first respondent to consider their objections, before renewing the licence in favour of the second respondent.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the records carefully. The second respondent is not before this Court.

5.Therefore, a direction is given to the first respondent to consider the representations made by the petitioners dated 25.02.2018 and 07.06.2018 and decide the issue of renewal of licence, in the light of the judgment made by a Division Bench of this Court in W.A.(MD).No.1458 of 2017. A further direction is issued to the first respondent to afford an opportunity of personal hearing to both the petitioner as well as the second respondent before taking a decision. In any event, if the renewal had already been granted, then also the petitioner's representation mentioned above shall be considered on merits, after affording an opportunity to both the parties and decided in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

The Designated Officer,
Food Safety and Drug Administration Department,
(Food Safety Wing)
Thanjavur.

+1cc to M/S.N.Dilip Kumar, Advocate SR.No. 70648

W.P.(MD) No.13798 of 2018

VS

<https://hcservices.ecourts.gov.in/hcservices/>
CM/SRN RSK/SAR 2/24.07.2018/2P/3C