

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 07.02.2018

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**W.P. (MD) .No.23270 of 2017**

R.Chandramohan

... Petitioner

-Vs-

1. The Food Safety Officer,
Virudhunagar,
Virudhunagar District.

2. The Designated Officer,
District Food Safety Wing,
Collectorate Campus,
Virudhunagar 625 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to release the 3695 units totaling 1681.2 kg of Shanmugha Oil Packets seized from the petitioner on 31.10.2017.

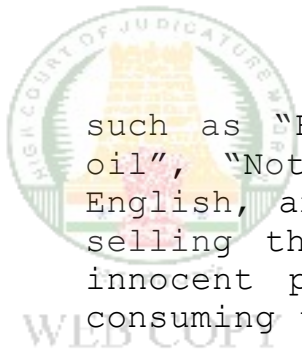
For Petitioner : Mr.M.Rajaraman
For Respondents : Mr.Aayiram K.Selvakumar
Additional Govt. Pleader

O R D E R

The writ petition has been filed seeking for a direction to the respondents to release 3695 units totaling 1681.2 kg. of Shanmuga Oil Packets seized from the petitioner, on 31.10.2017.

2. According to the petitioner, he is engaged in manufacturing of non edible oil business, manufacturing oil only for the purpose of lighting, not for any edible purpose. Earlier, the respondents have inspected the petitioner's premises and seized 4558 packets, weighing 1681.2 kg. of non-edible oil. Thereafter, a proceedings under the Food Safety and Standards Act has been initiated against the petitioner and now, the same is pending. Subsequently, the petitioner approached the respondents to release the seized oil packets, but the respondents refused to release, hence the writ petition.

3. The respondents filed a counter affidavit stating that the seized oil were packed in a polythene pack and on the label, it is printed as "Shanmuga gingelly oil" in bold letters, and the words



such as "For External use only", "Lighting purpose" "Non edible oil", "Not for Cooking" are printed in a very small letters in English, and misled the consumers. Apart from that, the petitioner selling the above oil in rural areas as "gingelly oil" and the innocent people being misled by the same, using as edible oil consuming the same.

4. The learned counsel for the petitioner would submit that the petitioner never intend to sell the oil as edible oil and the oil is used for lighting purpose only and further submit that without prejudice to his contention, in the event of the seized oil returned to the petitioner, he will reprint the packets as a "Shanmuga Lighting Oil", and never print the word ginelly oil in the packet and market the same. He has also filed an affidavit to that effect.

5. Considering the above fact that the oil seized from the petitioner is perishable one and without going into the merits of the case, as the petitioner has given an undertaking that he will sell the oil only as a lighting oil, this Court is inclined to pass the following order:

The petitioner is directed to approach the first respondent and file an affidavit of undertaking that the petitioner will market the above oil only as a lighting oil and also in a new container, specifically printing as lighting oil in block letters both in English and Tamil, and also print in the container as a non edible oil. After receipt of the undertaking affidavit, the respondents are directed to release the seized oil to the petitioner. Thereafter, the petitioner wants to market the same in the new container, petitioner is directed to print lighting oil in block letters in both Tamil and English, and also print it is a non edible oil and submit the same to the first respondent for approval, and after getting approval, the petitioner is directed to market the same.

6. It is made clear that it is always open to the respondents to proceed against the petitioner in accordance with law, in respect of the seizure made from the petitioner. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.eprints.org/ojservices/>
The Food Safety Officer,
Virudhunagar,
Virudhunagar District.



2. The Designated Officer,
District Food Safety Wing,
Collectorate Campus,
Virudhunagar 625 002.

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+1cc to Mr.M.Rajaraman, Advocate Sr.No.47327

+1cc to Mr.J.Gunaseelan Muthiah, Advocate Sr.No.47036

AKV

VB/KK/SAR1/13.04.2018/3P/5C

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