



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20305 of 2018

and

W.M.P. (MD) No.18074 of 2018

1.K.Sarath Kumar

2.Suseela

... Petitioners

vs.

1. The Food Safety Officer,
Drug Administration Department,
Madurai District.

2. Jimman Begum

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records of the first respondent dated 11.02.2016 in registration certificate No.22416572000017 in favour of the second respondent and quash the same as the same is arbitrary, ultravires, in violation of the principles of natural justice, audi alteram partem.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondent : Mr.M.Jeyakumar

Additional Government Pleader
for R.1

ORDER

The petitioners have approached this Court seeking issuance of writ of Certiorari calling for the records of the first respondent dated 11.02.2016 in registration certificate No.22416572000017 in favour of the second respondent and quash the same.

2. From the pleadings and materials as disclosed in the writ petition, it appears that the petitioners have private dispute against the second respondent in regard to the carrying on business under the name and style of "Muruga vilas Rice Grinder".



According to the petitioners, they were actually running the business, but unfortunately, the first respondent issued license to the second respondent without making any inspection.

3. From the above facts it is clear that the issue raised in the writ petition is in the nature of civil dispute and the same cannot be adjudicated by this Court in its writ jurisdiction. In case, the petitioners have any grievance against the license being granted to the second respondent by the first respondent, it is always open to them to approach the civil Court to work out their remedies and it is always open to them to get appropriate reliefs from the civil Court. Instead of approaching the civil Court, the petitioners have chosen to approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. For the above said reasons, this Court is of the considered view that the Writ Petition as it is not maintainable and therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Food Safety Officer,
Drug Administration Department,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87141

SSL

TE/RSK/SAR-4 : 26/10/2018 : 2P/3C

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