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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.7108 of 2009

and

M.P.No.1 of 2009

M/s.Oriental Trade Linkers,
18/B, Street No.7, Friends Colony,
Shadhara, Delhi - 110095.

... Petitioner

Vs

1. Union of India,
Rep. by its Secretary to
Government of India,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
2. The Commissioner of Customs (Seaport),
No.60, Rajaji Salai,
Chennai - 600001.
3. The Director General of Health Services,
Ministry of Health and Family Welfare,
New Delhi.
4. The Director,
Central Food Laboratory,
Mysore - 20.
5. The Central Committee for Food Standards,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
New Delhi.
6. The Port Health Officer, Chennai.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, forbearing the respondents from detaining the consignments of betel nuts imported by the petitioner for subjecting them to tests under the Prevention of Food Adulteration Act, 1954 and for quality purposes under the Prevention of Food Adulteration Rules, 1955 and further direct the respondents to release the consignments of betel nuts imported by the petitioner forthwith without further delay.

For Petitioner : Mr.B.Sathish Sundar

For Respondents: Mr.A.P.Srinivas, SSC
for R1 & R2

Mr.J.Madana Gopal Rao, SCGSC
for R3
No Appearance
for R4 to R6

O R D E R

It is settled proposition of law that a writ of mandamus will lie unless and until a request has been made to the authorities ventilating the grievances of the petitioner, when such request has either been rejected or kept pending for a considerable time.

2. In the instant case, the petitioner is of the view that the respondents are not entitled to detain the consignments of betel nuts imported by the petitioner for subjecting them to tests under the Prevention of Food Adulteration Act, 1954 and for quality purposes under the Prevention of Food Adulteration Rules, 1955. If at all the petitioner is of the view that the respondents are not empowered to detain such consignments, it is always open to them to approach the respondents with an appropriate representation ventilating their grievances and this Court may not be justified in straightway issuing the writ of mandamus for the prayer sought for.

3. Nevertheless, if the petitioner is still of the view that their grievance subsists, liberty is granted to them to approach the appropriate authorities ventilating their grievances by way of a representation and on receipt of such representation, the concerned respondent shall dispose of the same, on its own merits and in accordance with law, as expeditiously as possible.



4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to Government of India,
Union of India,
Department of Revenue,
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North Block, New Delhi.
2. The Commissioner of Customs (Seaport),
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Mysore - 20.
5. The Secretary,
Central Committee for Food Standards,
Ministry of Health and Family Welfare,
New Delhi.
6. The Port Health Officer,
Chennai.

+1cc to Mr.A.P.Srinivas, Advocate sr.61370

+1cc to Mr.J.Madana Gopal Rao, Advocate sr.61370

W.P.No.7108 of 2009
and
M.P.No.1 of 2009

mp(co)
nr 04/09/2019