

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.426 of 2018
and
W.M.P. No. 480 of 2018

M/s Nutriyes Health Care(P) Ltd.
Rep.by its Director
P.Murugesan
95/2, Melpakkam, Kaaduvetti
Thiruverkadu Post
Chennai-600 077.

... Petitioner

Vs

1. Food Safety and Standards
Authority of India
Ministry of Health and Family
Welfare Department
Kotia Road, FDA Bhawan
New Delhi-110 002.
2. The Commissioner of Food Safety
Tamil Nadu Food Safety and Drug
Administration Department
5th Floor, DMS Office Building
259, Anna Salai (DMS Compound)
Teynampet, Chennai-600 006.
3. The District Revenue Officer
Tiruvallur District
Collectorate, Tiruvallur.
4. The Designated Officer
Food Safety and Drug
Administration Department
DDHS Office Complex
54/5, Asoori Street
Tiruvallur-602 001.
5. The Food Safety Officer
Poonamallee Division (Area Code no.238)
Food Safety and Drugs Administration Department
Tiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records comprised in Na.Ka. No.7411/2015/S1 dated 20.11.2017, on the file of the third respondent, quash the same.

For Petitioner : Mr. R.Bharanidharan

For Respondents : Mr. Su.Srinivasan [For R1]
Central Government Standing Counsel
Mr. E.Neelakandan [For R2 to R5]
Government Advocate

O R D E R

Though remedy in the nature of statutory appeal has been provided under Section 70 of the Food Safety and Standard Act, 2006, to challenge the order impugned in this Writ Petition, the Appellate Tribunal was not functional at the time of filing of the Writ Petition on 21.12.2017. The Third Respondent has filed a memo along with copy of G.O. (Ms) No. 225, Health and Family Welfare (M1) Department, dated 11.06.2018 issued by the Government of Tamil Nadu stating that the Appellate Tribunal has been constituted and has started to hear appeals from 01.02.2019 onwards against the adjudication orders made under Section 68 of the Food Safety and Standards Act, 2006. In view of the same, the Learned Counsel for the Petitioner seeks leave of this Court to withdraw the Writ Petition and file such appeal before the Appellate Tribunal by 30.06.2019.

2. Recording the same, the Writ Petition is dismissed as withdrawn granting the aforesaid liberty. However, it is made clear that inasmuch as this Writ Petition has been pending in this Court at the time when the Appellate Tribunal started to function, the Appellate Tribunal shall not go into the question of limitation in filing the proposed appeal, if the same is presented on or before 30.06.2019. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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+1 cc to Mr.R.Karthikeyan, Advocate, S.R.No.44936

SR(CO)
SSM(17/06/2019)

W.P.No.426 of 2018

सत्यमेव जयते

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