

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.3798 & 3800 of 2019
and
W.M.P.Nos.4207 & 4217 of 2019

A.Vasanth ...Petitioner
(in WP.No.3798 of 2019)
C.Shankar ... Petitioner
(in WP.No.3800 of 2019)

Vs.

1.The District Revenue Officer/
Adjudicating Officer
Ariyalur - 621 704.
2.The Food Safety Officer
Jayankondam Municipality
Udayarpalayam, Ariyalur.Respondents
(in both WPs)

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the first respondent in Na.Ka.S/8144/2016 dated 05.09.2018 to quash the same.

For Petitioner : Mr.L.Chandrakumar
(in both WPs)

For Respondents: Mr.E.Balamurugan
Special Government Pleader
(in both WPs)

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners are aggrieved against the proceedings of the first respondent dated 05.09.2018 imposing penalty on them under the Food Safety and Standards Act, 2006 along with Rules and Regulations, 2011.

3. Though these writ petitions are filed by raising very many grounds on merits of the matter opposing the punishment imposed on the petitioners as stated supra, this Court is not inclined to entertain these writ petitions on the sole reason that an appellate remedy is available to the petitioners before the Tribunal viz., Food Safety Appellate Tribunal, which has been clearly stated in the impugned orders themselves.

4. However, the learned counsel for the petitioners submitted that the said impugned orders were received by the petitioners only on 14.01.2019 and to the petitioners' knowledge, the said Tribunal is not functioning. Therefore, he contended that the present writ petitions can be entertained.

5. On the other hand, the learned Special Government Pleader for the respondents, based on instructions from the Food Safety Officer, Mr.S.Sasikumar, who is personally present before this Court, submitted that the Tribunal started to function from 01.02.2019 onwards and therefore, the petitioners can very well approach the Tribunal and file an appeal.

6. Considering the above stated facts and circumstances, these writ petitions are disposed of, without expressing any view on the merits of the matter only with liberty to the petitioners to approach such Tribunal and file an appeal within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the same shall be considered by the Tribunal and orders shall be passed on merits and in accordance with law, as this Court is not expressing any view on the merits of the matter. Till an appeal is filed before the Tribunal, the respondents shall not take any coercive steps against the petitioners. No costs. Connected miscellaneous petitions are closed.

mk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer/
Adjudicating Officer
Ariyalur - 621 704.

2.The Food Safety Officer
Jayankondam Municipality
Udayarpalayam, Ariyalur.

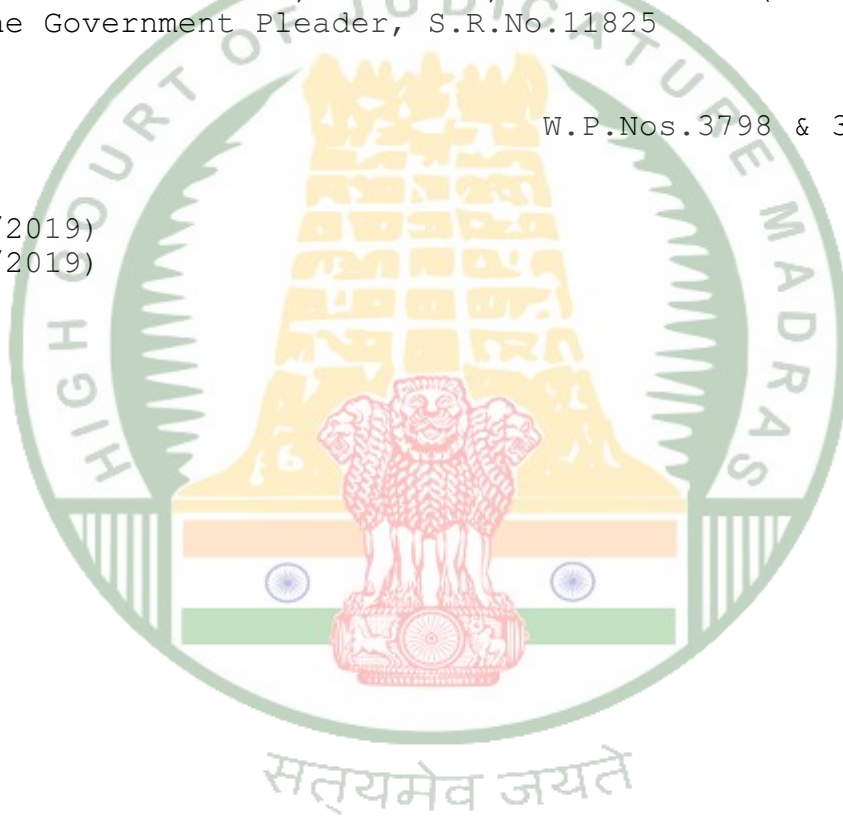
+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.11607

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.11607 (dt:22.03.2019)

+1cc to the Government Pleader, S.R.No.11825

W.P.Nos.3798 & 3800 of 2019

pm (CO)
kak (05/03/2019)
kak (22/03/2019)



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