

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 10559 of 2019

G. Thirumani

... Petitioner

-Vs-

- 1.The Chief Executive Officer,
Food Safety and Standard Authority of India,
Ministry of Health and Family Welfare Department,
3rd and 4th Floor,
FDA Bhawan,
Kotla Road, New Delhi - 110 002.
- 2.The Commissioner,
Food Safety and Standard Authority of India,
6th Floor, DMS Office Building,
No.359, Anna Salai, DMS Campus,
Teynampet, Chennai - 600 006.
- 3.The Designated Officer,
Office of the Deputy Director of Health Services,
Kancheepuram Campus,
No.42-A, Railway Road,
Kancheepuram - 631 501.
- 4.The Food Safety Officer,
Government Primary Health Centre,
Kundrathur.
- 5.The Commissioner,
Corporation of Chennai,
Ripon Building,
Poonamallee High Road,
Chennai.
- 6.Mr. Raj Kumar
- 7.Mr. Kumar

8.The Commissioner,
Poonamallee Municipality,
(Opp to Blind School),
Kandasamy Nagar,
Poonamalle,
Chennai - 600 056.

... Respondents

(Eighth Respondent impleaded vide order
dated 16.08.2019 in W.M.P. No. 23853 of 2019)

Prayer :Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,
directing the Third Respondent to consider the representation
dated 07.03.2019 by the Petitioner herein.

For Petitioner : Mr. D. Manimaran
For Respondents : Mr. Su. Srinivasan for R1

Mr. M. Karthikeyan for R2 to R4,
Additional Government Pleader

Mr. Srinivasan
for Mr. M. Arul for R6 & R7

Mr. G.Anantharangan for R5 and R8

O R D E R

The Writ Petition has been filed for directing the Third
Respondent to consider the representation dated 07.03.2019 made
by the Petitioner.

2. The Third and Fourth Respondents have filed Counter
Affidavit stating that they have inspected the hotel premises of
the Seventh Respondent and issued notice under Section 63 of the
Food Safety and Standards Act, 2006 (hereinafter referred to as
the 'Act' for brevity), on 20.05.2019 to the Seventh Respondent
requiring him to obtain license to run the said hotel, apart
from pointing out to rectify certain other irregularities, which
have been identified.

3. It is further contended that the Fourth Respondent has
once again inspected the premises of the Seventh Respondent on
09.08.2019 and has found that neither the defects pointed out
earlier were rectified nor the Seventh Respondent had applied
for license to run the hotel. In such circumstances, it was
recommended for the closure of the hotel under Section 31 of the
Act, until proper and valid license was obtained. The Seventh
Respondent has also given a written undertaking stating that he

will not run the hotel without valid licence. A photograph has been produced before this Court showing that the said hotel has been closed. Nothing remains for further consideration in the matter.

4. Recording the aforesaid subsequent events, the Writ Petition is disposed. It is also made clear that if the Seventh Respondent re-commences business without licence or rectifying the defects, it is open to the Petitioner to seek necessary redressal before the proper forum in that regard. No costs.

Sd/-

Assistant Registrar (Insp cell)

//True Copy//

Sub Assistant Registrar

vji
To

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Kandasamy Nagar,
Poonamalle,
Chennai - 600 056.

+1cc to Mr.D. Manimaran Advocate, S.R.No.70031
+1cc to Mr.Su. Srinivasan Advocate, S.R.No.69693
+1cc to the Government Pleader, S.R.No.70243

NRJK(CO)
CB(27/09/2019)

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