

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.30196 of 2016

and

W.M.P.Nos.26177, 26178 & 26179 of 2016

S.Prabhu

... Petitioner

vs

The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration,
Coimbatore Corporation,
Coimbatore.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the seizure memo dated 18.07.2016, on the file of the respondent herein and to quash the same as illegal and direct the respondent to release the seized Tobacco of 900 Kilograms under 25 numbers of bags to the petitioner.

For Petitioner : Mr.V.S.Jagadeesan

For Respondent : No appearance

O R D E R

The present Writ Petition has been filed against the seizure memo dated 18.07.2016, passed by the respondent under Section 38 of the Food Safety and Standards Act, 2006.

2.The learned counsel for the petitioner submits that the issue is covered by the following two decision of this Court:-

- i. Jayavilas Tobacco Traders LLP Vs. The Designated Officer, The Food Safety & Drugs Control Dept., 2017 SCC OnLine Mad 2458.
- ii.M/s.Shri Nakoda Agencies Vs. The Commissioner of Food Safety, 2017 SCC OnLine Mad 26722.

3.However, the learned counsel for the petitioner submits that no notice has been issued so far after the impugned seizure memo was issued seizing HANS - CHHAP TABACCO of 900 Kg under 25 number of bags. The seizure has been effected under Section 38

of the Food Safety and Standards Act, 2006. After the seizure was effected, notice has to be issued. No notice has been issued so far.

3.The present Writ Petition is disposed with liberty to the petitioner to initiate appropriate proceedings after ascertaining the status of seized HANS - CHHAP TABACCO. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration,
Coimbatore Corporation,
Coimbatore.

+1cc to Mr.V.S.Jagadesan, Advocate, SR.No.3005.

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NR(CO)
CSR: 18.02.2020

सत्यमेव जयते

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