

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.13711 of 2017
and
WMP. No.14901 of 2017

Shyam Hotels and Restaurants,
Units-II

Represented by its Partner,
Alla Reddy Ravi Kumar Reddy
S.No.489/1, 489/2 and 490/2 Nemam Village,
Poonamallee Taluk,
Thiruvallur District.

.... Petitioner

Vs.

1.The Commissioner of Food Safety,
5th Floor of DMS Office Building,
No.359, Anna Salai, DMS Campous,
Teynampet, Chennai-6.

2. The Designated officer,
Tamil Nadu Food Safety and
Drug Administration Department,
Office of DDHS Campus,
No.54/1, Assori Street,
Thiruvallur.

3. Food Safety Officer,
Office of DDHS Campus,
No.54/1, Asoori Street,
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from interfering with the peaceful running of the petitioner's business from sealing the packaged drinking water unit of the petitioner under the name and style of Shyam Hotels and Restaurants Unit II at S.No.489/1, 489/2 and 490/2, Nemam Village, Poonamallee Taluk, Thiruvallur District except under due process of law.

For Petitioner : Mr.M.Kamalanathan
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus to forbear the respondents from interfering with the peaceful running of the petitioner's business in the name and style of 'Shyam Hotels and Restaurants', Unit-II, S.No.489/1, 489/2 and 490/2, Nemam Village, Poonamallee Taluk, Thiruvallur District.

2. It is the case of the petitioner that the respondents are threatening to seal their hotel premises running in the name and style of M/s.Shyam Hotels and Restaurants, Unit-II, at S.No.489/1, 489/2 and 490/2, Nemam Village, Poonamallee Taluk, Thiruvallur District on the ground that the petitioner has committed violation of the Food and Safety Standards Act, 2006.

3. Now it is brought to the notice of this Court by the learned Government Advocate for the respondents that the respondents have issued a show cause notice to the petitioner and enquiry was held and in the enquiry proceedings, the petitioner has admitted that he has committed violation of the statutory provisions and after recording the admission made by the petitioner, the respondents by its final order dated 12.05.2017, imposed a penalty of Rs.2,00,000/-, which has also been paid by the petitioner subsequently.

4. According to the learned Government Advocate, since the petitioner has paid the penalty amount and complied with the final order dated 12.05.2017, unless and until the petitioner commits any violation under the Food and Safety Act in the near future, the respondents shall not take any action against the petitioner and he has also made it clear that before taking any action for any violation, the respondents will issue show cause notice to the petitioner as contemplated under Section 32 of the Food and Safety Act.

5. Recording the submissions made by the learned Government Advocate and after recording the fact that final orders have been passed by the respondents on 12.05.2017 and the petitioner has also complied with the same, nothing survives for adjudication in this Writ Petition. Accordingly, this Writ Petition is closed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rli
To

1.The Commissioner of Food Safety,
5th Floor of DMS Office Building,
No.359, Anna Salai, DMS Campous,
Teynampet, Chennai-6.

2. The Designated officer,
Tamil Nadu Food Safety and
Drug Administration Department,
Office of DDHS Campus,
No.54/1, Assori Street,
Thiruvallur.

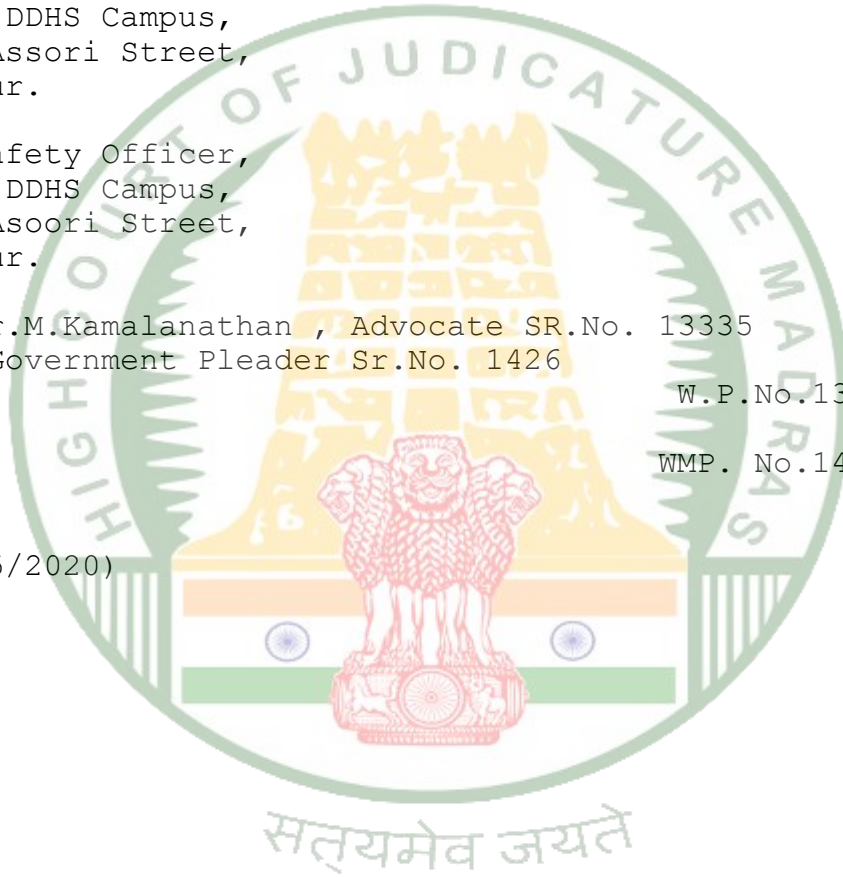
3. Food Safety Officer,
Office of DDHS Campus,
No.54/1, Asoori Street,
Thiruvallur.

+1cc to Mr.M.Kamalanathan , Advocate SR.No. 13335
+1 cc to Government Pleader Sr.No. 1426

W.P.No.13711 of 2017
and
WMP. No.14901 of 2017

spd co

A.SK(26/05/2020)



WEB COPY