



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8044 of 2020

and

W.M.P. (MD)No.7471 of 2020

TSS Traders

Represented by one of its Partner

S.Sundareswaran.

... Petitioner

Vs.

1.The Food Safety Officer,
Code No.577,
Office of the Designated Officer,
Tamil Nadu Food Safety and Administration Wing,
1st Floor, Office of the Deputy Director of Health
Services Multipurpose Health Supervisors,
Training School,
Viswanathapuram,
Madurai - 14.

2.The Designated Officer,
Tamil Nadu Food Safety and Administration Wing,
1st Floor, Office of the Deputy Director of Health
Services Multipurpose Health Supervisors,
Training School,
Viswanathapuram,
Madurai - 14.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to release the goods seized in the business premises of the petitioner at 42, East Mast Street, Madurai and grant such further or other order as this Court may deem fit and proper in the circumstance of the case.

For Petitioner	: Mr.M.Rajaraman
For Respondents	: Mr.S.Angappan, Government Advocate

O R D E R

Heard the learned counsel on either side.



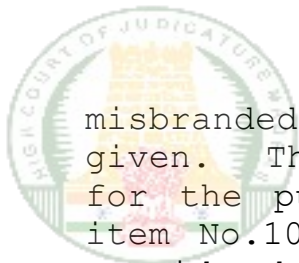
2.The writ petitioner is trading in oil. The business is carried on in the name and style of TSS Traders at Madurai. From the petitioner's business premises, the second respondent took samples from the following products. Thereafter, the goods were seized and left in the custody of the writ petitioner. The details of seizure are as follows:-

Name of the Product	Number of Units	Valued at
1.King Brand Gingelly Oil	37 Boxes (Each Box contain 10 Ltr)	Rs.81,400/-
2.King Brand Agmark Gingelly Oil	232 x 10 Ltr	Rs.7,18,100/-
3.SRS - Agmark Gingelly Oil	6 x 5 Ltr	Rs.6,630/-
4.SRS - Chekku Gingelly Oil	4 Boxes (50ml pouches - Each Box contain 10 Lts	Rs.9,000/-
5.Shree Kumara Agmark Gingelly Oil	60 Tin x 15 Kg	Rs.1,95,000/-
6.Ganga - Gingelly Oil	11 Tin x 15 Kg	Rs.42,350/-
7.Winner - Refined Palmoleon Oil	43 Boxes (1 Box contain 10 Lits)	Rs.40,850/-
8.Mahavishnu Gingelly Oil (Loase condition)	3 Tins x 15 Kgs	Rs.10,350/-
9.Mahavishnu - Mara Chekku - Gingelly Oil	9 Boxes - 15 Kgs	Rs.20,700/-
10.Sri Sakthivel Lighting Oil	68 Boxes x 10 Litrs	Rs.59,840/-
11.Anjana Gingelly Blended Oil	34 Boxes x 10 Litrs	Rs.44,200/-
	Total Value	Rs.12,28,420/-

Seeking release of the seized goods, this writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate submitted that the samples in respect of the seized goods were sent for analysis and the report has also come.

4.The report states that item Nos.1 and 2 are safe. It appears that the authority themselves have taken decision to release the goods. As regards the item Nos.3, 4, 7, 8 and 11, the report states they are unsafe for consumption. As regards the items 5, 6 and 9, the report states that they have been



misbranded, It appears that the labelling has been incorrectly given. The petitioner now comes forward to rectify this defect for the purpose of obtaining release of the goods. As regards item No.10, it is seen that it is only a lighting oil. I find considerable force in the petitioner's counsel submission that the standards that are applicable for food items cannot be applied for lighting oil. Lighting oil as the very name suggests, it is used for lighting lamps. Therefore, the question of they being unsafe for consumption cannot be put against the petitioner herein. Therefore, I am of the view that the respondents can be directed to release item No.10 as mentioned in the aforesaid table immediately.

5.As regards the other items, it is for the petitioner to workout his right in the manner known to law. Therefore, the writ petition is partly allowed, directing the second respondent to release the goods mentioned in item No.10 of the table said out above. The petitioner's counsel states that he would submit appropriate labels in respect of items Nos.5, 6 and 9 within a period of one week from the date of receipt of a copy of this order and the second respondent may take a call in the matter within a period of two weeks thereafter. If the second respondent is satisfied about the correct labelling to be made by the petitioner herein, the respondents shall release the item Nos.5, 6 and 9 also. As regards, item No.10, the same shall be released forthwith and without any delay. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar(Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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+1 CC to M/s.GP (SR-14165[F] dated 17/08/2020)

W.P. (MD)No.8044 of 2020
14.08.2020

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TR(02.09.2020) 4P 4C