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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.514 OF 2018

AND

W.M.P.NO.610 OF 2018

Sri.Amman Sago Factory,
Rep. by its Proprietor,
Arunachalam,
Karaikurichi,
Karaikurichi Puthur Post,
Namakkal Taluk and District.

... Petitioner

.Vs.

1. The Food Safety and Standards
Authority of India,
[Ministry of Health and Family Welfare],
FDA Bhavan, Kotla Road,
New Delhi - 110 002.
2. The Commissioner of Food Safety,
No.359, Anna Salai, V Floor,
DMS Office Building, DMS Campus,
Teynampet, Chennai - 600 006.
3. The Designated Officer,
The Food Safety and Drug
Administration Department,
Salem District.
4. The Designated Officer,
The Food Safety and Drug
Administration Department,
Namakkal District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to implement the proceedings in R.No.5193/2015/89/FSSA dated 02.06.2017 on the file of the 2nd respondent



herein and thereby permit the petitioner herein to have free movement of Wet Tapioca Starch - raw material for manufacture of Tapioca Sago as per the Standards prescribed under the Food Safety and Standards Act, 2006.

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For Petitioner : M/s.V.R.Rajasekaran
No appearance

For Respondents : Mr.M.Shahjahan
Special Government Pleader

O R D E R

The prayer in this Writ Petition is for issuance of a Writ of Mandamus to direct the respondents herein to implement the proceedings of the second respondent, dated 02.06.2017, and thereby, to permit the petitioner to have free movement of Wet Tapioca Starch - raw material for manufacture of Tapioca Sago as per the Standards prescribed under the Food Safety and Standards Act, 2006.

2. When the matter is taken up for hearing, none appeared for the petitioner.

3. Mr.M.Shahjahan, the learned Special Government Pleader appearing for the respondents produced a copy of the letter, dated 02.06.2017 issued by the office of the Commissioner of Food Safety and Drug Administration, in and by which, the Designated Officers of Salem, Namakkal, Dharmapuri, Erode, Trichy, Viluppuram and Perambalur Districts are informed that the ban imposed on the sale of wet starch of the manufacture of sago, vide R.No.5193/2015/86/FSSA dated 14.09.2015, does not continue. Therefore, the learned Special Government Pleader submits that the prayer sought for in this Writ Petition has become infructuous, and hence, prayed for dismissal of this Writ Petition.

4. The submission of the learned Special Government Pleader as well as the clarification, dated 02.06.2017 issued by the office of the Commissioner of Food Safety and Drug Administration are recorded.

5. Since, by virtue of proceedings dated 02.06.2017, issued by the office of the Commissioner of Food Safety and Drug Administration, the earlier blanket ban order on wet starch is lifted, this Court directs the respondents not to issue any blanket order without authority in future. However, it is made clear that, if there is any violation on the part of the petitioner-Factory as regards the standards for Sago given by



the Food safety and Standards Authority in the draft Notification, the respondents are at liberty to take appropriate action against them, provided, if the relevant Act, empowers them to do so. It is further made clear that, this order is applicable to all similar Factories, which are carrying on the business activities of manufacturing Sago.

6. The Writ Petition is disposed of on the aforesaid terms. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sp/jd

To

1. The Food Safety and Standards
Authority of India,
[Ministry of Health and Family Welfare],
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W.P.NO.514 OF 2018

SV(CO)
PBS/08/03/2022