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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.Nos.6062 to 6064 of 2016

and

W.M.P.Nos.5384 & 5385 of 2016

- 1.M/s.Flemingo Duty Free Shop (P) Ltd.,
Rep., by its Director, Vivek S Bhat,
No.39, First Floor, K.V.Apartments,
Poes Garden, Chennai-600 086.
- 2.Vivek S Bhat, Director,
M/s.Flemingo Duty Free Shop (P) Ltd.,
No.39, First Floor, K.V.Apartments,
Poes Garden, Chennai-600 086. .. Petitioners in all W.Ps.

-vs-

- 1.Union of India, Through the Secretary,
Ministry of Health and Family Welfare of India,
Nirman Bhawan, C - Wing, New Delhi-110 001.
- 2.The Chairperson,
Food Safety and Standards Authority of India,
FDA Bhawan, Near Balbhavan, Kotla Road,
New Delhi-110 002, India.
- 3.The Deputy Director,
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
2nd Floor, South Wing, Central Documentation Complex,
Chennai Port Trust Buildings,
Rajaji Salai, Chennai-600 001.
- 4.The Commissioner of Customs, Group (I),
Custom House, Rajaji Salai,
Chennai-600 001.
- 5.The Deputy Commissioner of Customs, Group (I),
Custom House, Rajaji Salai,
Chennai-600 001. .. Respondents in all W.Ps.

Prayer in W.P.No.6062 of 2016 :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of



Mandamus forbearing the 4th and 5th respondents from insisting on compulsory compliance requirement of drawing sample for FSSAI inspection and obtain NOC compliance from FSSAI for clearance of goods as the same is illegal, arbitrary and without jurisdiction. Prayer in W.P.No.6063 of 2016 :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to issue a No Objection Certificate to the 1st petitioner for import of goods for sale in its Duty free shop as the business of the 1st petitioner not covered by provision of the FSS Act.

Prayer in W.P.No.6064 of 2016 :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration declaring that the provisions of the Food Safety and Standards Act, 2006 are not applicable to the import of any goods imported and bonded on arrival for sale at 1st petitioner's duty-free shops, whether to outgoing or incoming passengers, against payments in free foreign exchange.

For Petitioner	:Mr.S.Arun Prasad
(In all W.Ps.)	
For Respondents	:Mrs.R.Hemalatha,
(In all W.Ps.)	Central Govt. Standing Counsel

COMMON ORDER

The learned counsel for the petitioner made a submission that in view of the clarification issued by the respondents on 03.06.2016, the relief as such sought for in the present writ petitions did not exist. In other words, the cause arose for the filing of the writ petitions became vanish and thus, no further adjudication needs to be entertained in respect of the grounds raised.

2.Accordingly, these writ petitions stand disposed of as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

abr

To

- 1.The Secretary, Union of India,
Ministry of Health and Family Welfare of India,
Nirman Bhawan, C - Wing, New Delhi-110 001.



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2.The Chairperson,
Food Safety and Standards Authority of India,
FDA Bhawan, Near Balbhavan, Kotla Road,
New Delhi-110 002, India.

3.The Deputy Director,
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
2nd Floor, South Wing, Central Documentation Complex,
Chennai Port Trust Buildings, Rajaji Salai, Chennai-600 001.

4.The Commissioner of Customs, Group (I),
Custom House, Rajaji Salai, Chennai-600 001.

5.The Deputy Commissioner of Customs, Group (I),
Custom House, Rajaji Salai, Chennai-600 001.

+1cc to Mr.S.Arun Prasad, Advocate, S.R.No.28993

+3cc to Mrs.R.Hemalatha, Sr.Standing Counsel, S.R.No.29066

W.P.Nos.6062 to 6064 of 2016

GPL(CO)
CB(20/07/2021)