



WEB COPY



W.M.P.26534 & 26536 of 2021

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in

W.P. No. 25167 of 2021

M.DHANDAPANI

This Writ Petition is under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified-Mandamus, seeking the issuance of entire records relating to the order in R. No. 1756 / 2021 / A1 / FSD dated 1.11.2021 on the file of the 3rd respondent herein and quash the same and consequently direct the respondents 1 and 3 herein release the intermediate product Wet and Liquid Tapioca Starch under process seized on 30.10.2021 and restrain the respondents 1 to 3 herein from taking sample in the intermediate products - wet and liquid Tapioca Starch of the petitioner herein at the behest of its business rivals and the 4th respondent herein by abusing the provisions of the Food Safety and Standards Act, 2006 and above miscellaneous petition are filed seeking interim order.

2. The case of the petitioner is that the petitioner is carrying on business in manufacture of starch and Sago from the Cassava tubers (Tapioca roots), and



that the said industry is running since 1997. However, due to rivalry, some of the persons made allegation against the petitioner unit to the respondents and the respondents, without following the procedure contemplated under section 34 of the Food Safety and Standards Act , 2006 passed the impugned prohibition order and therefore he prays for the stay of impugned order.

3.Learned Government Advocate appearing on behalf of the respondent referred Section 34 of the Act and submitted that the Designated Officer with regard to the standard of food may cease, he may at notice to be served on the food business operator and take the necessary action. He submits that the said procedure has been complied with and prays for dismissal of the interim petition.

4.However, a perusal of the records reveals that the prohibition notice was issued in terms of 34 of the 30.10.2021, but, the impugned prohibition order was passed on 01.11.2021 without offering any opportunity to the petitioner. Therefore, this Court is prima facie is satisfied that, there exists a case for interim order.

5. Accordingly, there shall be an order of interim stay till 13.12.2021.
Notice.

25.11.2021

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