



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.03.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.A. (MD)No.356 of 2021**  
**and C.M.P. (MD) No.1231 of 2021**

J.Sikkandar ... Appellant/Petitioner  
Vs.

- 1.The Commissioner,  
Food Safety and Drugs Administration,  
No.359, Anna Salai,  
Teynampet,  
Chennai - 600 006.
- 2.The District Collector,  
Collectorate,  
Madurai - 625 020.
- 3.The Designated Officer,  
Office of the Deputy Director of Health Service,  
Multipurpose Health Supervisors (F) Training School,  
Viswanathapuram,  
Madurai - 625 014.
- 4.The Food Safety Officer,  
O/o. The Food Safety, Office  
Area Code : 572,  
Madurai Corporation,  
Madurai.
- 5.The Inspector of Police,  
C-4, Thilagar Thidal Police Station,  
Madurai. ... Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.14618 of 2020, dated 23.12.2020.

Prayer in WP(MD). 14618 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1003/FSSA/2020 dt.7.10.2020 issued by the respondent No.3

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and quash the same as illegal, consequently directing the respondents to remove the lock and seal of the petitioners lorry shed situated in No.33, Parameshwaran Pillai Lane, Madurai.

For Appellants : Mr.S.M.A.Jinnah  
For Respondent : Mr.K.P.Krishnadoss  
Special Government Pleader  
\* \* \* \* \*

**J U D G M E N T**

**(Judgment of the Court was delivered by M.M.SUNDRESH, J.)**

The matter stood adjourned on the last occasion for want of instructions. Thereafter, the learned counsel for the appellant made a mention that on the ground floor, there are three rooms available and the contraband seized can be kept in one of the rooms under lock and seal and the lock and seal of the other two rooms can be removed so that the appellant can do his lawful business.

2.Learned Special Government Pleader appearing for the respondents submitted that sanction has been granted by the concerned Officer of the Food Safety and Drugs Administration for filing charge sheet and the opinion of the learned Public Prosecutor has been sought for.

3.The issue before us is rather small and limited i.e., whether the lock and seal may be opened or not. We are of the view that the removal of the contraband can be done only after getting appropriate orders from the Court and it would happen after the charge sheet is filed and cognizance being taken. The difficulty for the appellant is that from 07.10.2020, the entire premise has been put under lock and seal and he is not able to carry on his lawful activities.

4.We are also of the view that for the purpose of keeping the contraband seized the entire buildings need not be kept under lock and seal and the contraband can be kept in one room under lock and seal and the lock and seal of the other two rooms can be removed. If the respondents are satisfied that the contraband seized can be kept in one room with lock and seal, they shall accordingly, do so in the presence of the appellant, after getting his signature with respect to the material seized and lock and seal and if he is not agreeable, the order of the learned Single Judge would get revived. In that case, it is open to the petitioner to get appropriate orders from the Court, which takes cognizance.



5.The Writ Appeal stands disposed of with direction to the respondents to comply with the above order within one week from the date of a receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

**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

- 1.The Commissioner,  
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5.The Inspector of Police,  
C-4, Thilagar Thidal Police Station,  
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+1 CC to M/s.SPL GP ( SR-14822[F] dated 31/03/2021 )

**W.A. (MD) No. 356 of 2021**  
**30.03.2021**

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