



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

**W.P. (MD) .Nos.16212 and 16221 of 2020
and W.M.P. (MD) .Nos.13558, 13560, 13561 & 13563 of 2020**

K.Veerappan ... Petitioner in W.P.(MD).No.16212 of 2020

M.Nagoor Arabath ... Petitioner in W.P.(MD).No.16221 of 2020

Vs.

1.The Designated Officer,
Tamil Nadu Food Safety and Drug
Administration Department, (Food Wing),
O/o. The Deputy Director of Health Services,
Multipurpose Health Supervisors (F) Training School,
Viswanathapuram,
Madurai - 625 014.

2.The Food Safety Officer,
FSO Code No.577,
Madurai Corporation,
Madurai.

3.The Inspector of Police (Law and Order),
Thilagar Thidal Police Station,
Madurai.

... Respondents in both petitions.

Prayer in W.P. (MD) .No.16212 of 2020: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide Na.Ka.No.1003/FSSA/2020, dated 07.10.2020 and quash the same and consequently directing respondents not to interfere with the petitioner's business of transport service being run at No.14, Old Betal Shop Lane, Swami Sannathi Street, Madurai.

Prayer in W.P. (MD) .No.16221 of 2020: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide Na.Ka.No.1003/FSSA/2020, dated 07.10.2020 and quash the same and consequently directing respondents not to interfere with the petitioner's business of transport service being run at No.258, Services e-Port Gov. Office, Nelpettai, Madurai.



For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.R.Suresh Kumar
Standing Counsel for Government
(In both cases)

COMMON ORDER

These writ petitions have been filed challenging the impugned order passed by the first respondent and for a direction to the respondents not to interfere with the transport business of the petitioners.

2.Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioners and Mr.R.Sureshkumar, learned Standing Counsel for Government appearing for the respondents.

3.The order passed in W.P.(MD).Nos.14961 and 15003 of 2020 will govern the present cases also. The same course can be adopted in the present writ petitions also.

4. In view of the above, there shall be a direction to the respondents to remove the seal from the premises to keep the contraband seized in one room and put the lock and seal for that room in the presence of the petitioners. While undertaking this process, the respondents shall prepare a Panchanama and also get the signatures of the petitioners. On the completion of this process, the petitioners can be permitted to use the other portions of the premises. Immediately after completion of the investigation and the final report being taken cognizance by the competent criminal Court, the petitioners can approach the concerned Court and seek for appropriate orders to remove the seal from the room in which the contraband was kept by the respondents. This process shall be complied with by the respondents within a period of two weeks from the date of receipt of a copy of this order.

5.These writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

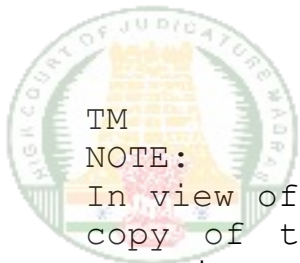
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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

1.The Designated Officer,
Tamil Nadu Food Safety and Drug
Administration Department, (Food Wing),
O/o. The Deputy Director of Health Services,
Multipurpose Health Supervisors (F) Training School,
Viswanathapuram, Madurai - 625 014.

2.The Food Safety Officer,
FSO Code No.577,
Madurai Corporation, Madurai.

3.The Inspector of Police (Law and Order),
Thilagar Thidal Police Station, Madurai.

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-21453[F]
dated 07/07/2021)

+1 CC to M/s.SPL GP (SR-21516[F] dated 07/07/2021)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-21655[F] dated
08/07/2021)

Order made in

W.P. (MD) .Nos.16212 & 16221 of 2020

06.07.2021

CN(13.07.2021) 3P 7C