



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1816 of 2021

and

C.M.P(MD)No.7886 of 2021

S.M.Mohammed Ibrahim & Co (P) Ltd.,
Represented by its Managing Director,
S.M.M. Jamal Mohammed,
3854, South 2nd Street,
Pudukkottai.

... Appellant/Petitioner

Vs.

1.Designated Officer,
Office of the Designated Officer,
Department of Food Safety
and Drug Administration,
Dindigul.

2.Food Analyst,
Food Analysis Laboratory,
Department of Food Safety
and Drug Administration,
Palayamkottai.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 17.08.2021 made in W.P(MD)No.2695 of 2021 on the file of this Court.

Prayer in WP(MD) . 2695/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for the records relating to letter R.No.1246/2020 (2) dated 13-10-2020 issued by the 1st Respondent and Report No.0266/2020-21 in D.Dis.No.1119/A2/2020 dated 07-10-2020 issued by the 2nd respondent, quash the same as arbitrary and illegal and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.Joseph Prabakar

For Respondents : Mr.P.Thilak Kumar
Government Pleader



JUDGMENT

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

Challenging the order passed in W.P(MD)No.2695 of 2021 dated 17.08.2021, the Writ petitioner has filed the above Writ Appeal.

2.The appellant filed the Writ Petition to issue a Writ of Certiorari, to call for the records relating to the letter dated 13.10.2020 issued by the first respondent and the report dated 07.10.2020 issued by the second respondent and to quash the same.

3.The appellant is a trader of unmanufactured tobacco under the name Kalaiman. A sample of the appellant's product was collected by the Food Safety Officer and was tested at the Food Analysis Laboratory, Dindigul. The laboratory, after analysing the sample, gave a report dated 07.10.2020 stating that the contents of the appellant's product was 0.68% of nicotine. As regards saccharin, sugar, sodium chloride and starch, the report indicates either the presence or the absence thereof. On the basis of the analysis, the first respondent passed the impugned order dated 13.10.2020 and the appellant was also informed that if he is aggrieved over the order, he should file an appeal under the Food Safety and Standards Act, 2006.

4.The learned Single Judge, taking into consideration the case of the appellant and the respondents, rightly dismissed the Writ Petition finding that the remedy open to the appellant is to file a statutory appeal under the Food Safety and Standards Act, 2006.

5.When the appellant has got alternate remedy by way of an appeal under the Act, the learned Single Judge has rightly dismissed the Writ Petition. The order passed by the learned Single Judge is perfectly correct. We do not find any ground to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

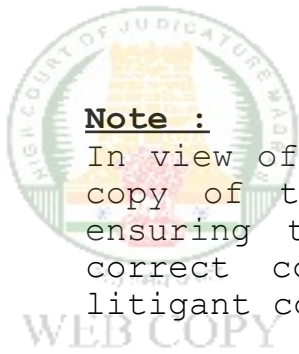
Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

indu/ps



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.Designated Officer,
Office of the Designated Officer,
Department of Food Safety and Drug Administration,
Dindugal.

2.Food Analyst,
Food Analysis Laboratory,
Department of Food Safety
and Drug Administration,
Palayamkottai.

+1 CC to M/s.SPL. GP (SR-30016[F] dated 23/09/2021)

**W.A(MD)No.1816 of 2021
22.09.2021**

RK (01.10.2021) 3P 4C