



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.3.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.702 of 2022
& CMP.No.4854 of 2022

M/s.Murari Lal Harish Chandra
Jaiswal Pvt. Ltd., rep.by its
Authorized Signatory
Mr.K.Prabhakaran

...Appellant

Vs

1.The Commissioner of Food
Safety, 5th Floor, DMS Office
Building, 359, Anna Salai,
DMS Campus, Teynampet,
Chennai-6.

2.The Designated Officer,
Tamil Nadu Food Safety &
Drug Adminitration
Department, Food Safety
Wing, 54/1, Asoori Street,
Tiruvallur District.

...Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against
the order dated 04.1.2022 in WMP.No.29848 of 2021 in
W.P.No.28266 of 2021.

Prayer in WMP No.29848 of 2021 in W.P.No.28266 of 2021 :
Petition praying that in the circumstances stated therein and in
the affidavit filed therewith the High Court will be pleased to
issue an order of interim injunction restraining the
respondents, or any men acting under them from taking any
punitive action in respect of the petitioners product namely,
"HANS Chaap Tobacco" in view of the final orders dated
02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 and 04.12.2020
passed in respect of the above product by the Referral Food
Laboratories situated in Pune and Mysore respectively in WMP
No.29848 of 2021 pending disposal of the above W.P.No.28266 of
2021.



Prayer in W.P.No.28266 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying that this Hon'ble Court to issue a Writ of Certiorarified Mandamus or any other Order, Writ or Direction in the nature of Writ calling for the records on the file of the 2nd respondent in his proceedings vide Lr.Ref.No.274/A1/2021 dated 16.11.2021 and quash the same and subsequently direct the respondents and their men from anyway taking any punitive action in respect of the petitioner's product namely, "HANS Chaap Tobacco" in view of the final orders dated 02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 and 04.12.2020 passed in respect of the above product by the Referral Food Laboratories situated in Pune and Mysore respectively.

For Appellant : Mr.D.Sai Kumaran

For Respondents : Mr.P.Muthukumar,
State Government Pleader

JUDGMENT

(Judgment was delivered by the Hon'ble Chief Justice)

Learned counsel for the appellant prays for withdrawal of the appeal with liberty to pursue the pending writ petition and to expedite the hearing of the writ petition, liberty is sought to file a miscellaneous petition before the learned Single Judge. He has also made an endorsement in the bundle today to that effect.

2. As prayed, the writ appeal is dismissed as withdrawn with liberty, as prayed for. Consequently, the connected CMP is also dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

RS

To:

1.The Commissioner of Food
Safety, 5th Floor, DMS Office
Building, 359, Anna Salai,
DMS Campus, Teynampet,
Chennai-6.



2.The Designated Officer,
Tamil Nadu Food Safety &
Drug Administration
Department, Food Safety
Wing, 54/1, Asoori Street,
Tiruvallur District.

+1cc to Mr.D.Saikumaran, Advocate, Sr.No.20190

+1cc to the Government Pleader, Sr.No.20410

W.A.No.702 of 2022 &
CMP.No.4854 of 2022

SPD(CO)
RVM(04/04/2022)