



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.21096 of 2018

and W.M.P.Nos.24755 & 24756 of 2018 and 1150 of 2019

S.N.K.Starch Industries rep. by its
Proprietor, K.Dharmalingam,
Sathasivapuram Post - 636 121,
Attur Taluk, Salem District.

.. Petitioner

Vs.

1. Food Safety and Standards Authority of India,
(Ministry of Health and Family Welfare),
FDA Bhavan, Kotla Road, New Delhi - 110 002.

2. Commissioner of Food Safety,
No.359, Anna Salai, V Floor,
DMS Office Building,
DMS Campus, Teynampet,
Chennai - 600 006.

3. Chairperson / District Collector,
District Advisory Committee for Food Safety,
Salem District, Salem.

4. Designated Officer,
Food Safety and Drug Administration Department,
Salem District.

5. N.Natarajan
(R5 impleaded vide order of this Court in
W.M.P.No.6001 of 2022 dt. 22.03.2022.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the entire records relating to the proceedings in Na.Ka.No.628/A-1/FS/2017, dated 20.04.2018 and proceedings No.18/2018, dated 05.06.2018, respectively on the file of the 3rd and 4th respondent herein in so far as they relate to ban on the Centrifugal motor pumps used in the manufacture of Tapioca sago food product and removal of the said equipment from



production line and quash the same and consequently restrain the respondents 2 to 4 herein from issuing any directions, prohibitive orders or notification to introduce a new process in lieu of the existing process and equipments used for the purposes of manufacturing Tapioca sago by the petitioner herein.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents 2 to 4 : Mr.P.Balathandayutham
Special Government Pleader

For Respondent 5 : Mr.G.Murugendran

O R D E R

This writ petition has been filed challenging the order passed by the third respondent / District Collector dated 20.04.2018 and consequential order passed by the fourth respondent, directing the petitioner to remove the pressure motors from his factory.

2. The grievance of the petitioner is that he is engaged in manufacture of tapioca starch from tapioca roots. Earlier, the third respondent Committee for Food Safety has passed an order that, the industries which are using pressure motor are likely to use chemicals and thus manufacture adulterated sago. Based on that order, the fourth respondent passed another order directing the petitioner to remove the pressure motor within a period of seven days. Now, challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that pressure motor is being used to dilute the starch and remove the impurities and they are not using the same for adulteration purpose. Without considering the same an omnibus order has been passed for removal of the pressure motor. According to him the pressure motor is necessary to dilute the starch and remove the impurities and without which they cannot dilute the starch. Further according to the learned counsel, if at all any person involved in adulteration, it is open to the authorities to take action against that person and an omnibus order cannot be passed banning pressure motor, in all industries which is essential for sago manufacturing process. The learned counsel further submitted that the third respondent has passed the order without hearing the manufacturers and in an arbitrary manner.



4. Considering the above circumstances, earlier this Court by an order dated 17.02.2022, directed the third respondent District Collector to conduct a fresh meeting and hear the objections raised by the manufacturers and pass suitable orders. Pursuant to the above orders, after hearing the objections of the manufacturers, the third respondent District Collector passed an order dated 07.03.2022, thereby permitting the manufactures to use pressure motor only for manufacturing process and to remove the impurities contained in tapioca and they should not use the pressure motor for any adulteration purposes.

5. In view of the modified order passed by the third respondent District Collector permitting the manufactures to use pressure motor only for genuine manufacture purpose no further adjudication is required in this writ petition.

6. Earlier, a impleading petition has been filed by an agriculturist alleging that tapioca manufacturers are indulging in adulteration, and he has filed a public interest litigation, wherein, various directions have been issued by this Court, despite the same, all the manufacturers are using chemicals and adulterating starch. However, considering the fact that the issue raised by the 5th respondent has no relation to the present writ petition, that issue need not be looked into in this writ petition.

7. Considering these circumstances, the writ petition is closed. However, it is made clear that, as per the order passed by the District Collector, all the manufacturers shall use pressure motor only for genuine manufacturing purpose and they should not use the pressure motor for any adulteration purpose, if at all any manufacturer indulge in any such illegal activities, it is always open to the authorities to take suitable action. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kk



To

1. Food Safety and Standards Authority of India,
(Ministry of Health and Family Welfare),
FDA Bhavan, Kotla Road,
New Delhi - 110 002.

2. Commissioner of Food Safety,
No.359, Anna Salai, V Floor,
DMS Office Building,
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Chennai - 600 006.

3. Chairperson / District Collector,
District Advisory Committee for Food Safety,
Salem District, Salem.

4. Designated Officer,
Food Safety and Drug Administration Department,
Salem District.

+lcc to Mr.V.R.Rajasekaran, Advocate SR.No.19231
+lcc to the Special Government Pleader SR.No.19534

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SKM(CO)
GN(03/06/2022)