



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.14394 of 2018
and
W.M.P.No.16994 of 2018

A.R.Starch Products
represented by its Partner,
A.R.Sivakumar,
5/21/A, AsariKaadu,
Palaniappar Koil Road, 30, Pallipatti,
Belukurchi Post,
Namakkal District.

...Petitioner

Vs.

1. The Commissioner of Food Safety,
Tamil Nadu Food Safety and Drug Administration Department,
5th Floor, DMS Office Building,
259, Anna Salai (DMS Compound),
Teynampet, Chennai - 600 006.
2. The Additional District Magistrate/Adjudicating Officer,
Namakkal District,
Collectorate Complex,
Thiruchengode Road,
Namakkal - 637 003.
3. The Designated Officer, (Namakkal)
Tamil Nadu Food Safety and Drug Administration Department,
Collectorate Complex,
Thiruchengode Road,
Namakkal - 637 003.
4. The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration Department,
Senthamangalam Block,
Namakkal District.



5. Chief Executive Officer,
FSSAI, 03rd & 04th Floor,
FDA Bhawan, Kotla Road,
New Delhi.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records compromised in Case No.48/2017/M2, dated 11.05.2018, on the file of the second respondent and quash the same.

For Petitioner : Mr.R.Bharanidharan
For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader
For R4 : Mr.V.Jayaprakash Narayanan
For R5 : Service awaited

O R D E R

The challenge in this Writ Petition is to the order passed by the second respondent, in Case No. 48/2017/M2, dated 11.05.2018.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the impugned order was passed by the second respondent against the petitioner for offence punishable under Section 57 of the Food Safety and Standards Act, 2006. The learned counsel contended that, challenging the order passed by the second respondent, though there was an Appeal provision before the Food Safety Appellate Tribunal, the same was not notified when the petitioner filed this Writ Petition in the year 2018. However, subsequently, the Food Safety Appellate Tribunal has been notified and it started to function from the year 2020 onwards. Hence, the learned counsel prayed to dispose of this Writ Petition granting liberty to the petitioner to approach the Food Safety Appellate Tribunal.

3. The learned counsel appearing for the respondents submits that, as stated by the learned counsel for the petitioner, since the Food Safety Appellate Tribunal is functioning, the issue involved in this Writ Petition can very well be adjudicated before the said Appellate Tribunal.

4. In view of the above submissions made by the learned counsel on either side, this Writ Petition stands disposed of, by granting liberty to the petitioner to challenge



the impugned order by way of filing Appeal Petition before the Food Safety Appellate Tribunal within a period of two weeks from the date of receipt of a copy of this order. In such an event, the aforesaid Tribunal shall entertain the same, without rejecting it on the ground of limitation. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Pns

To

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Copy to

The Section Officer

ER Section

High Court, Madras 104.

(To Return the Original impugned order filed along with the present Writ Petition)

+1 CC to The Government Pleader sr 613.

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and

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KSM(CO)

SP(23/02/2022)