



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.18082 of 2018

and

W.M.P.Nos.21356, 21357, 26564 of 2018

Arulmurugan Starch Industries
Rep. by its Proprietor P.Natarajan,
Vadachennimalai, 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. Designated Officer,
Food Safety and Drug Administration,
Salem District, Salem-1.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the notice in Roc.No.1350/A1/FSSA/2017 dated 06.07.2018 and consequential order of suspension dated 12.07.2018 on the file of the 3rd respondent herein and quash the same and consequently direct the 2nd respondent herein to consider the representation dated 11.07.2018 of the petitioner herein seeking an enquiry into the abuse of the power by the 3rd respondent herein for extraneous consideration to favour the Large Scale Sago manufacturers under the guise of ensuring Food Safety and Standards prescribed under the Food Safety and Standards Act, 2006.

For Petitioner : M/S.V.R.Rajasekaran
For R1 : Mr.Su.Srinivasan



For R2, R3

: Mrs.C.Meera Arumugam,
Additional Government Pleader

ORDER

WEB COPY

This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the notice in Roc.No.1350/A1/FSSA/2017 dated 06.07.2018 and consequential order of suspension dated 12.07.2018 on the file of the 3rd respondent herein and quash the same and consequently direct the 2nd respondent herein to consider the representation dated 11.07.2018 of the petitioner herein seeking an enquiry into the abuse of the power by the 3rd respondent herein for extraneous consideration to favour the Large Scale Sago manufacturers under the guise of ensuring Food Safety and Standards prescribed under the Food Safety and Standards Act, 2006.

2. When this Writ Petition is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner also preferred an appeal before the 2nd respondent-Commissioner of Food Safety as against the impugned order in the Writ Petition. However, as the said appeal has not been disposed of so far, the petitioner has approached the Court.

3. Mrs.C.Meera Arumugam, the learned Additional Government Pleader for respondents 2 and 3 takes notice and submitted that if any direction is given by this Court, the same will be complied with.

4. Therefore, taking into consideration that the appeal preferred by the petitioner is still pending before the 2nd respondent, this Court feels it appropriate to direct the 2nd respondent-Commissioner of Food Safety to consider and dispose of the appeal dated 11.7.2018 within a period of eight weeks from the date of receipt of a copy of this order. Until the disposal of the appeal, the interim stay already granted by this Court shall continue.

5. Accordingly, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



jd

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,
DMS Campus, Teynampet, Chennai 600 006.
3. Designated Officer,
Food Safety and Drug Administration,
Salem District, Salem-1.

+1cc to the Government Pleader, S.R.No.3412

W.P.No.18082 of 2018
and
W.M.P.Nos.21356, 21357, 26564 of 2018

MT (CO)
CT 16/02/2022