



W.P.(MD)No.10529 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10529 of 2021

T.Rajagopal

... Petitioner

Vs.

1.The Commissioner,
Food Safety and Drug Administration Department,
Chennai-6.

2.The Food Analyst,
Food Analyst Laboratory,
Guindy, Chennai-32.

3.The Designated Officer,
Food Safety and Drug Administration Department, (Food Wing)
Vishvanathapuram,
Madurai-625 014.

4.The Food Safety Officer (FSO Code:577)
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to remove the seal and to unlock the petitioner's shop namely Venkateshwara Stores, at Door No.11, Khanpalayam 3rd Cross Street,



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Madurai-625 009 by considering the petitioner's representation dated 03.05.2021.

For Petitioner : Mr.M.Solaisamy
For R1 to R3 : Mr.M.Sarangan
Additional Government Pleader
For R4 : Mr.S.Vinayak
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner has been running the petition mentioned shop. Raid was conducted by the respondent officials. Gutka was found inside the petitioner's shop. It was seized and samples were taken. The petitioner's shop was also locked and sealed. Seeking removal of the lock and seal, the present writ petition has been filed.

3. It is seen that for almost two years, the petitioner's shop has been under lock and seal. The petitioner must have suffered enough. The petitioner undertakes to file an affidavit before this Court indicating that he will not deal with any sale of contraband including Gutka. The



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filing of the affidavit would be without prejudice to the petitioner's defence in the trial. It is made clear that filing of this affidavit will not be put against the petitioner in the trial. Such an affidavit is being filed only pursuant to the direction given by this Court. Since samples have already been taken and the report has also been received, it is not necessary to keep the contraband in the premise of the petitioner. They can be safely taken out and destroyed after following the due process. It is open to the respondent officials to videograph what has been found inside. The respondents are directed to remove the lock and seal of the petition mentioned shop and allow the petitioner to carry on with his lawful business. This exercise shall be carried out within a period of three weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs.

21.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

rmi

To

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