



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12837 of 2022

WEB COPY

K.Subramanian

... Petitioner

Vs

1.The Designated Officer,
Tamil Nadu Food Safety & Drug Administration Department,
Collectorate Campus,
Virudhunagar - 626 002.

2.The Food Safety Officer,
Sivakasi Municipality,
Virudhunagar District.

3.The Food Safety Officer,
Virudhunagar Municipality,
Virudhunagar.

4.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to remove the lock and seal of the petitioner's shop running by him at Door No.1/269, Vadiyoor, Mudalipatti Post, Sivakasi Taluk, Virudhunagar District.

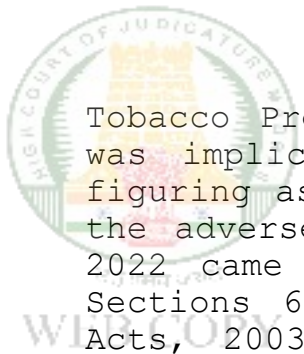
For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner is running a petty shop in the petition mentioned premises. A certain quantity of Gutka was found inside the petitioner's shop on 29.03.2022. Crime No.51 of 2022 was registered on the file of the Vachakarapatti Police Station for the offences under Sections 6(b) and 24(1) of the Cigarette and other



Tobacco Products Acts, 2003. However, the petitioner's son alone was implicated as accused in the case. The petitioner is not figuring as accused. While so, the petitioner once again came under the adverse notice of the local Police Station and Crime No.99 of 2022 came to be registered on 07.06.2022 for the offences under Sections 6(b), 24(1) of the Cigarette and other Tobacco Products Acts, 2003 and 328 IPC. The petitioner's son Santhanakumar is figuring as the second accused in the said case. Since the petitioner was found to be a repeat offender, the shop in question came to be sealed on 07.06.2022.

3. The learned counsel appearing for the petitioner states that the petitioner is carrying on the said business in the said village for more than 27 years and that he has not come under adverse notice.

4. From the materials available on record and from the contentions advanced by the learned Special Government Pleader and submissions made by the Food Safety Officer, it appears that the petitioner's son Santhanakumar is bringing bad name to the petitioner. The petitioner through his counsel gives an undertaking that the petition mentioned shop premises will not in any way be used by his son and he would completely keep his son away. An affidavit to that effect will be filed before the Registry. If, in future, the petitioner is found to have breached the undertaking now given before this Court, this Court will not hesitate to initiate contempt proceedings against the petitioner. Since the shop in question is the primary source of livelihood for the petitioner and since it has already been kept under lock and seal for more than two weeks, I am of the view that the relief sought for can be granted to the petitioner. The second respondent is directed to remove the lock and seal of the petition mentioned shop forthwith and without any delay.

5. This writ petition is allowed. No costs.

Sd/-

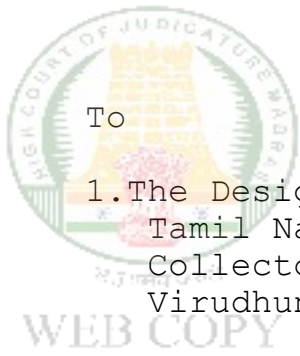
Assistant Registrar (AS)

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27/06/2022

Sub Assistant Registrar(CS)

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To

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3.The Food Safety Officer,
Virudhunagar Municipality, Virudhunagar.

4.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

+1 CC to M/s.R. PON KARTHIKEYAN, Advocate (SR-27817[F]
dated 23/06/2022)

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KMV(CO)
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