

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18228 of 2022

and

W.M.P.(MD).Nos.13300 and 13302 of 2022

Pure & Cure Aquaa Foods,
Represented by its Managing Partner,
Durairaj Muthuselvan,
Pure & Cure Aquaa Foods,
No.138, Sanjeeve Nagar,
Chennai Bypass Road,
Trichy.

... Petitioner

Vs

- 1.The Commissioer,
Food Safety and Administration,
Chennai.
- 2.The Designated Officer,
Office of Deputy Director of Health Service,
Near Jammal Mohammed College,
Race Course Road,
Trichy.
- 3.The Food Analyst,
Food Analysis Laboratory,
Guindy, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire record relating to the proceeding of the third respondent in D.Dis.No.3930/G2/2020 (Report No. ACT-1096 (NGT)/2020-2021) dated 30.11.2020 and quash the same as illegal.

For Petitioner : M/s.J.Madhu

For Respondents : Mr.M.Sarangan
Additional Government Pleader.

ORDER

Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

2. The petitioner is running a packaged drinking water unit. A sample was taken and as per the impugned analysis report, it is not of the prescribed quality. The petitioner challenges the said conclusion on number of grounds. Though the contentions of the learned counsel for the petitioner are quite persuasive, as rightly pointed out by learned Additional Government Pleader appearing for the respondents, an analysis report as such is not open to challenge. Any consequential action taken on the basis of analysis report can

be impugned by the writ petitioner. For instance, it is stated that the petitioner, is prosecuted before the criminal Court, if the prosecution relies on the impugned analysis report, on all the grounds now projected before me, the petitioner can challenge the said report. Likewise, if any other administrative action taken, on the basis of this analysis report, then also these grounds will be available to the writ petitioner.

3. I decline to interfere only on the limited ground that at this stage questioning the impugned report, the Writ Petition may not lie. Leaving open all the contentions to the writ petitioner, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

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G.R.SWAMINATHAN, J.

Nsr

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