



W.P.(MD).No.12430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12430 of 2023

and

W.M.P.(MD).No.10531 of 2023

Suresh

... Petitioner

Vs.

1.The Food Safety Officer,
Kiliyoor,
Munchirai Taluk,
Kanyakumari District.

2.The Executive Officer,
Town Panchayat,
Puthukadai,
Kanyakumari District.

3.S.Prasad

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records of the impugned order issued by the 1st respondent dated 13.05.2023 and quash the same.

For Petitioner : M/s.N.Shyllappa Kalyan

For R-1 and R-2 : Mr.A.Kannan

Additional Government Pleader



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein possesses a license issued by the first respondent herein for running a meat shop. The said license was suspended through the impugned order dated 13.05.2023. The learned counsel for the petitioner submitted that prior to such suspension of the license, no opportunity was given to the petitioner to put forth his objections.

3. A perusal of the impugned order also does not reveal that the petitioner was put on prior notice before the suspension was made.

4. The learned Additional Government Pleader appearing for the first and second respondents placed reliance on Clause 2.1.8 (4) of the Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations, 2011 and submitted that the registering authority is entitled to suspend or cancel any registration forthwith in the interest of public health.

5. The law with regard to the principles of natural justice has been well laid down in several decisions of the Hon'ble Supreme Court as well as this



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Court. When a license has been duly granted to a food business operator, the cancellation or suspension of the same can be done only after giving the concerned food business operator an opportunity to put forth his objections and as such, the principles of natural justice requires to be read into the provision. In this background, the present suspension cannot be sustained which is violation of the well laid down law on this aspect.

6. Accordingly, the impugned order passed by the first respondent dated 13.05.2023 is set aside. The first and second respondents are granted liberty to issue a show cause notice to the petitioner herein calling for his objections on the proposed action and on receipt of any objections, the same shall be considered before any final orders are passed.

7. With the above liberty, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

1. The Food Safety Officer,
Kiliyoor,
Munchirai Taluk,
Kanyakumari District.

2. The Executive Officer,
Town Panchayat,
Puthukadai,
Kanyakumari District.



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M.S.RAMESH, J.

Lm

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