



W.P(MD)No.22634 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22634 of 2015

and

M.P.(MD)Nos.1 & 2 of 2014

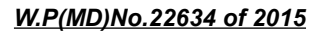
N.Mangal Patel

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Through its Secretary,
Health and Family Welfare Department,
Chennai-09.
- 2.The Commissioner of Food Safety,
Food Safety and Drug Administration Department,
DMS Compound,
Chennai.
- 3.The Designated Officer,
Food Safety and Drug Administration Department,
Tirunelveli.
- 4.R.Karunakaran
The Designated Officer,
Food Safety and Drug Administration Department,
Tirunelveli.
- 5.The Inspector of Police,
Police Station,
Tenkasi.

... Respondents



For Petitioner : no appearance
For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R1 to R3 & R5
: No appearance for R4

The learned counsel who filed the writ petition reports 'no instructions'. It is stated that some two years ago, the bundle was handed over to the writ petitioner. The petitioner has also been informed that the matter is being listed today.

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3. The respondents have filed counter affidavit. The learned Special Government Pleader took me through its contents. The categorical stand of the respondents is that the petitioner was keeping banned items and they were rightly seized and destroyed. The counter affidavit was served on the petitioner's counsel as early as on 06.12.2017. No rejoinder has been filed to controvert the factual statement made by the respondents. It is also brought to my notice by the learned Special Government Pleader that on 04.02.2015, the District Revenue Officer / Additional District Magistrate, Tirunelveli passed an order levying fine of Rs.25,000/- on the petitioner for trading the banned food items. The said amount was also remitted by the petitioner on 17.04.2015. That was pursuant to the inspection and seizure of the banned items on 11.07.2013. The stand of the respondents is that the petitioner is a habitual offender. Since the averments set out in the counter affidavit have not been controverted by way of rejoinder and since there is no representation on the side of the petitioner today, I do not find any ground to grant relief.



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4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Secretary,
Health and Family Welfare Department,
Chennai-09.
- 2.The Commissioner of Food Safety,
Food Safety and Drug Administration Department,
DMS Compound,
Chennai.
- 3.The Designated Officer,
Food Safety and Drug Administration Department,
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