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W.P.No.4457 of 2022 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.4457, 16569, 21220 & 8095 of 2022,
and
W.M.P.Nos. 4587, 4588, 15849, 20202, 20203, 8072 & 8075 of
2022

W.P.No.4457 of 2022

M/s. Murari Lal Harish Chandra Jaiswal Pvt Ltd.,
Rep. By its Authorized Signatory,
Mr.K.Prabhakaran,
6043, Naya Bans,
Delhi – 110006.

.. Petitioner

VS

1.The Commissioner of Food Safety,
5th Floor, DMS Office Building,
359, Anna Salai, DMS Campus,
Teynampet, Chennai – 600 006.

2.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Saidapet, Chennai- 600 015.

.. Respondents

W.P.No.16569 of 2022

M/s. Murari Lal Harish Chandra Jaiswal Products,
Rep. By its Authorized Signatory,
Mr.K.Prabhakaran,
Preeth Vihaar, Patparganj Indl Area,
Delhi – 110 092.

.. Petitioner

VS



W.P.No.4457 of 2022 etc

The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Old Board Buildings Campus,
Salem – 636 001.

.. Respondent

W.P.No.21220 of 2022

M/s. Murari Lal Harish Chandra Jaiswal Products,
Rep. By its Authorized Signatory,
Mr.K.Prabhakaran,
Preeth Vihaar, Patparganj Indl Area,
Delhi – 110 092.

.. Petitioner

VS

1.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
No.33, West Jones Road,
Saidapet, Chennai- 600 015.

2.The Commissioner of Food Safety,
Food Safety and Drug Administration,
5th Floor, DMS Office Building,
259, Anna Salai, DMS Campus,
Teynampet, Chennai – 600 006.

.. Respondents

W.P.No.8095 of 2022

M/s. Murari Lal Harish Chandra Jaiswal Pvt Ltd,
Rep. By its Authorized Signatory,
Mr.K.Prabhakaran,
Patparganj Indl Area,
Delhi – 110 092.

.. Petitioner

VS

1.The Commissioner of Food Safety,
5th Floor, DMS Office Building,
359, Anna Salai, DMS Campus,
Teynampet, Chennai – 600 006.



W.P.No.4457 of 2022 etc

2.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Saidapet, Chennai- 600 015.

.. Respondents

Prayer in W.P.No.4457 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of 2nd respondent in his proceedings vide Lr.No.795/DO/CH/FSSA/2021-22 dated 04.01.2022 and quash the same and subsequently direct the respondents and their men from anyway taking any punitive action in respect of the petitioner's product namely, "HANS Chaap Tobacco" in view of the final orders dated 02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 & 04.12.2020 passed in respect of the above product by the Referral Food Laboratories situated in Pune and Mysore respectively.

Prayer in W.P.No.16569 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the respondent vide his proceedings in R.No.1156/FSSA/2022-23 dated 10.06.2022 and quash the same and subsequently direct the respondents and their men from anyway taking any punitive action in respect of the petitioner's product namely, "HANS Chaap Tobacco" in view of the final orders dated 02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 & 04.12.2020 passed in respect of the above product by the Referral Food Laboratories situated in Pune and Mysore respectively.

Prayer in W.P.No.21220 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of 1st respondent vide his proceedings in R.No.1132/D.O/CH/FSSA/2022-23 dated 20.07.2022 and quash the same and subsequently direct the respondents and their men from anyway taking any punitive action in respect of the petitioner's product namely, "HANS Chaap Tobacco" in view of the final orders dated 02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 & 04.12.2020 passed in respect of the above product by the Referral Food Laboratories situated in Pune and Mysore respectively.

Prayer in W.P.No.8095 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified



W.P.No.4457 of 2022 etc

mandamus calling for the records on the file of 2nd respondent in his proceedings vide Lr.No.764/DO/CH/FSSA/2021-22 dated 15.12.2021 and quash the same and subsequently direct the respondents and their men from anyway taking any punitive action in respect of the petitioner's product namely, "HANS Chaap Tobacco" in view of the final orders dated 02.12.2016, 06.03.2017, 07.09.2017, 05.11.2020 & 04.12.2020 passed in respect of the above product by the Referral Food Laboratories situated in Pune and Mysore respectively.

For Petitioner : Mr.D.Saikumarran
(in all writ petitions)

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.K.Tippu Sultan
Government Advocate
(in all writ petitions)

COMMON ORDER

In these four writ petitions, the impugned orders have been passed contrary to the principles of natural justice insofar as it is only in the case of one petition (impugned order dated 20.07.2022) where the petitioner has been heard prior to passing of the order. In all other cases, the impugned order has come to be passed without hearing the petitioners.

2. In such circumstances, and since Mr.Kumaresan, learned Additional Advocate General would also fairly accede to the position that there has been no hearing of the petitioners prior to passing of the impugned orders dated 04.01.2022, 10.06.2022 and 15.12.2021 respectively, let the petitioners appear before the



W.P.No.4457 of 2022 etc

Designated Officer, Tamil Nadu Food Safety & Drug Administration
Department, Saidapet, Chennai- 600 015 on Friday i.e., 15.03.2024
for re-hearing of the appeal. Orders, de novo, will be passed prior to
19.04.2024 in accordance with law and the Food Safety Standards,
Act 2006 and allied Rules.

3. Impugned orders are set aside on the short point of
violation of principles of natural justice alone. These writ petitions
stand disposed in terms of this order. No costs. Connected
miscellaneous petitions are closed.

07.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Commissioner of Food Safety,
5th Floor, DMS Office Building,
359, Anna Salai, DMS Campus,
Teynampet, Chennai – 600 006.

2.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Saidapet, Chennai- 600 015

3. The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Old Board Buildings Campus,
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W.P.No.4457 of 2022 etc

DR. ANITA SUMANTH,J.

ssm

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