



WEB COPY

W.P.No.13017 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.13017 of 2020

and

W.M.P.No.16129 of 2020

Latha Devi

... Petitioner

Vs.

1.The Designated Officer,
Tamil Nadu Food Safety and
Drug Administration Department Race Course Road,
Coimbatore-641 018,
Coimbatore District.

2.The Food Safety Officer,
Tamil Nadu Food Safety and Drug,
Administration Department,
Coimbatore Urban, Coimbatore District.

3.B.Ashok

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents 1 and 2 to de-seal
the petitioner's property at No.56, Ponnusamy Lay out, Krishna Nagar,



Coimbatore -1 sealed by the respondent-2 in and by a form of seizure dated 16.08.2018 after clearing all the banned products stocked by the Third respondent in a manner known to law.

For Petitioner : Mr.P.Manojkumar
For R1 & R2 : Mr.K.Tippu Sulthan
Government Advocate
For R3 : Not ready in notice

ORDER

Mr.K.Tippu Sulthan, learned Government Advocate appearing on behalf of the 1st and 2nd respondents would submit that the building belongs to the writ petitioner was inspected and the Food Safety Officers have found that the 3rd respondent was a tenant and in possession of the subject building. A case was registered against the 3rd respondent, since the 3rd respondent has stocked up banned Tobacco and Pan Masala. Now, the writ petitioner who is the owner of the building filed the present writ petition for a direction to remove the seized tobacco products, so as to take possession of the building.



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2. The tobacco products seized by the Tamil Nadu Food Safety officers may be shifted to any other Government godown or it may be destroyed by following the procedures as contemplated by preserving samples as per the provisions of the Act and Rules. In view of the fact that the owner of the subject property is no way connected with the offense or illegality, she need not be deprived of taking possession of the property, which was leased out to the 3rd respondent.

3. Thus, the 1st and 2nd respondents are directed to shift the tobacco products/objectionable food products from the premises of the writ petitioner and keep the same in any other place or destroy the same by following the procedures as contemplated. The said exercise is directed to be completed within a period of six (6) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

09.02.2024

veda

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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To

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S.M.SUBRAMANIAM, J.

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