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W.P.No.17565 of 2022 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17565, 17571, 21498, 21501, 21504, 21507, 21508, 21511, 21513, 21514, 21516, 21518, 22599, 22602, 22633, 22978, 22989, 23006, 23011, 23018, 23053, 23813, 19555, 19579, 19583, 19585, 19595, 19596, 24611 and 24620 to 24623 of 2022

and

W.M.P. Nos.16840, 16846, 20513, 20517, 20520, 20523, 20525, 20530, 20532, 20534, 20536, 20539, 21648, 21649, 21657, 21659, 21690, 21985, 21986, 22006, 22030, 22037, 22060, 22068, 22797, 18850, 18870, 18876, 18880, 18889, 18893, 23585, 23586, 23587, 23589 and 23590 of 2022

W.P.No.17565 of 2022

M/s.Jeyyam Global Foods Pvt. Ltd.,
Represented by its Authorized Signatory, S.Sathish,
Having their Registered Office at
#37, Padmavathiyar Street,
Gopalapuram,
Chennai – 600 086.

... Petitioner

Vs

1. The Commissioner Food Safety,
Office of the Commissioner of Food Safety,
5th Floor of DMS Office Building,
259, Anna Salai, DMS Campus,
Theynampet,
Chennai – 600 006.
(R1 cause title amended vide order dated 12.01.2023
made in W.M.P.No.20466 of 2022 in W.P.No.17565 of 2022)



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2. The Additional District Magistrate/Revenue Divisional Officer,
Villupuram District,
Villupuram Collectorate,
Villupuram - 605 602.

3. The Designated Officer,
Villupuram District,
Tamil Nadu Food Safety & Drug Administration Department,
Room No.38, 2nd Floor,
Office of the District Collector,
Villupuram – 605 602.

4. The Food Analyst,
Food Analysis Laboratory,
No.219, Race Course Road,
Coimbatore – 18.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the second respondent pertaining to the impugned order dated 05.05.2022 passed in Na.Ka.No.A2/01/2021 and quash the same as prima facie illegal, improper, not in accordance with law and against the principles of natural justice and hence a nullity.

For Petitioner
in all W.Ps

: Mr.E.Vigneshwar
for Mr. Velayutham Pichaiya

For R-1 in all
W.P.s

: Mr.Su.Srinivasan



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For R-2 to R-4 in W.P.
Nos.17565, 17571, 22599
and 22602 of 2022 &
for R-2 & R3 in W.P.

: Mr.P.Kumaresan,
Additional Advocate General
assisted by Mr.K.Tippu Sultan,
Government Advocate

Nos. 21498, 21501, 21504,
21507, 21508, 21511, 21513,
21514, 21516, 21518, 22633,
22978, 22989, 23006, 23011,
23018, 23053, 23813, 19555,
19579, 19583, 19585, 19595,
19596, 24611 and 24620 to
24623 of 2022

COMMON ORDER

These Writ Petitions have been filed against the various impugned orders and notices.

2. On a perusal of the impugned orders, it is made clear that there is an appeal remedy as against the impugned orders under Section 70 of the Food Safety and Standards Act, 2006 before the Food Safety Appellate Tribunal. Therefore, this Court cannot entertain these Writ Petitions under Article 226 of the Constitution of India, when there is appeal provisions, as contemplated in the statute as against the orders impugned in these Writ Petitions.



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3. Accordingly, these Writ Petitions are dismissed, with liberty to the petitioner to challenge the orders impugned in these Writ Petitions before the Food Safety Appellate Tribunal, within a period of two weeks from the date of receipt of a copy of this order. The operation of the impugned orders is stayed till the disposal of the appeal before the Food Safety Appellate Tribunal. If the petitioner fails to file an appeal before the said Appellate Tribunal within the above time stipulated by this Court, the respondents are directed to proceed as against the petitioner. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of these Writ Petitions, viz., 05.07.2022, 10.08.2022, 17.08.2022, 22.08.2022, 25.08.2022, 29.08.2022 and 06.09.2022 till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.

03.04.2024

Index:Yes/No

Neutral Citation/Yes/No

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Note: Registry is directed to return the impugned orders under written acknowledgment after retaining a copy of the same for record.



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