



W.P(MD)No.734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.734 of 2024

and

W.M.P.(MD)Nos.736, 739 and 740 of 2024

R.Udhayakumar

... Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Food Safety and
Drug Administration Department,
DMS Campus, 5th Floor,
No. 359, Annasalai, Teynampet,
Chennai 600 006.
- 2.The Designated Officer,
Tamil Nadu Food Safety and
Drug Administration Department,
Food Safety Wing,
Office of the Deputy Director of Health Services,
Viswanathapuram, Madurai – 625 014,
Madurai District.
- 3.The Food Safety Officer,
Madurai Corporation,
Madurai.
- 4.The Inspector of Police,
Sellur Police Station,
Madurai.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings in Na.Ka.No.2871/A2/2023/U.Pa.a, dated 27.12.2023 issued by the 2nd respondent and quash the same as illegal and consequently permit the petitioner to run the Petty Shop/Coffee and Tiffan centre mentioned in the impugned notice as Udhayakumar Petty Shop situated at 139, Thataneri Main Road, Bharathinagar, Madurai by unsealing the premises.

For Petitioner : Ms.S.Meena,
For Mr.A.L.Kannan.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R4.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents 1 to 3 and the learned Government Advocate (Crl. Side) for the fourth respondent.

2.The petitioner is running a petty shop. It was locked and sealed on 27.12.2023 by the second respondent. The learned Additional Advocate



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General points out that the petitioner is having a bad track record. The petitioner undertakes to compound the offence. The petitioner has to pay the compounding charges to the tune of Rs.5,000/-. The second respondent shall issue proceedings immediately and the petitioner shall also remit the same. I am inclined to show indulgence only for the reason that full three months have elapsed. I hope the petitioner has learnt his lesson. Subject to the petitioner compounding the offence, the lock and seal shall be removed. The entire exercise shall be completed within a period of seven days from the date of receipt of a copy of this order. The learned Additional Advocate General also points out that the petitioner is not having any valid FSSAI license. The petitioner is restrained from vending any food items for which the said license is required without first obtaining the same.

3. With this restraint order against the writ petitioner, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 03.04.2024.



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Commissioner,
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Drug Administration Department,
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