



W.P(MD)No.1278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1278 of 2024
and
W.M.P(MD)Nos.1310 & 1311 of 2024

Jackulin @ Maria Jackulin

... Petitioner

Vs.

1.The Designated Officer,
Tamil Nadu Food Safety Wing,
Kanyakumari District.

2.The Food Safety Officer,
Agasteeswaram Block,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its impugned proceedings in Na.Ka.No.2525/A2/2023 dated 20.12.2023 and to quash the same and consequently direct the respondent to de-seal the premises at Shop No.6, Fishing Harbour Road, Near Petrol Bulk, Chinnamuttom, Kanyakumari District so as to enable the petitioner to continuing his business.



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For Petitioner : Mr.SC.Herold Singh

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner challenges the impugned order dated 20.12.2023 passed by the first respondent. The petitioner is a small time shop keeper. The petitioner's shop premises were sealed on 20.12.2023. Seeking de-seal, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner draws my attention to the order dated 02.01.2024 in W.P(MD)Nos.30871 and 30873 of 2023 (Nagoorkani & another Vs The Commissioner, Tamil Nadu Food Safety and Drug Administration & another).

4.The case on hand is covered by the said order. The petitioner's shop has been kept sealed for more than two months. The doctrine of proportionality will definitely come to petitioner's rescue. At the same



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time, the social menace which banned tobacco products pose to the society cannot be ignored. Though the respondents are directed to de-seal the petition mentioned premises forthwith, the petitioner is directed to file affidavit before this Court undertaking not to trade any banned items including Tobacco products. If the undertaking is breached, the second respondent is at liberty to file a petition before this Court for punishing the petitioner under contempt of Courts Act.

5.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 28.02.2024.

To

1.The Designated Officer,
Tamil Nadu Food Safety Wing,
Kanyakumari District.

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