



W.P(MD)No.5805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5805 of 2024
and
W.M.P(MD)No.5472 of 2024

D.Muthupandi

... 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,
Madurai District.
- 3.The Food Safety Officer,
Tamil Nadu Food Safety and
Drug Administration Department,
Madurai Corporation,
Madurai.



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4.The Inspector of Police,
C-2 Police Station
(Subramaniapuram Police Station),
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire records from the second respondent impugned order No. Na.Ka.No. 0290A2/2024/U.Paa.A dated 14.02.2024 and quash the same.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.T.Villavan Kothai
Additional Government Pleader
for R.1 to R.3

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4

ORDER

Heard both sides.

2.The petitioner's shop has been sealed for breach of FSSAI Act.

I do not want to go into the jurisdictional aspects. This is because the Hon'ble Division Bench is seized of the matter and an interim order has



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also been granted in the appeal filed by the State. The petitioner's shop was sealed on 14.02.2024. More than a month has elapsed.

3.The learned Additional Advocate General points out that the petitioner after given a solemn undertaking before this Court had breached the same and that therefore the writ petition deserves dismissal.

4.This submission of the learned Additional Advocate General undoubtedly a merits acceptance. But taking note of the fact that the petitioner's shop has been sealed for more than 40 days and since the petitioner has to face prosecution if he does not compound the offence, I am inclined to grant relief. The petitioner is warned that if he is caught again, he may lose the license to conduct his business even. The learned Additional Advocate General also informs this Court that the petitioner's registration has been cancelled.

5.In these circumstances, the shop need not continue to remain sealed. I direct the respondents to desal the petition mentioned shop. I do so and give this direction without setting aside the impugned order.



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

25.03.2024

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

Note: Issue order copy on 27.03.2024.

To

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Drug Administration Department,
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G.R.SWAMINATHAN, J.

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