



W.P(MD)No.7918 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7918 of 2024

and

W.M.P(MD).No.7193 of 2024

Edward,

... Petitioner

Vs

1. The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
DMS Campus,
5th Floor,
No. 359, Anna Salai,
Teynampet, Chennai-600 006.

2. The Designated Officer,
Tamil Nadu Food Safety and Drug
Administration Department,
Food Safety Wing,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 2nd
respondent to remove the seal put on the petitioner shop situated at Annai



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Store No.1, Jeevanantham Street, Thuvakudi Malai North Ayyampatti Road,
Trichy District forthwith in pursuant to compliance of circular dated
04.01.2024 forthwith.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

Heard both sides.

2.The petitioner is running a grocery store. It would have been appropriate, if he had been vending only grocery items. Unfortunately, the petitioner also started vending banned Tobacco products. The second respondent rightly acted in the matter. The petitioner had paid the compounding fee of Rs.25,000/-.

3.As per the recent circular issued by the Government, the shop should be kept sealed for a period of thirty days. I had earlier held that such sealing cannot be done. The order passed by me has been put to challenge before the Hon'ble Division Bench.



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4.Taking note of the over all facts and circumstances, since the petitioner had paid the compounding fee, the second respondent is directed to de-seal the premises on 02.04.2024. The petitioner is directed not to vend any banned Tobacco product in future. If in future, the direction is breached by the petitioner, not only the petitioner will be liable to prosecution but the second respondent can move this Court for punishing the petitioner for contempt of Court. This direction is given based on the undertaking given by the petitioner through his Counsel.

5.With the aforesaid direction to de-seal the premises on 02.04.2024, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR

Note:Issue order copy on 01.04.2024

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To

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G.R.SWAMINATHAN, J.

LR

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