



W.P(MD)No.20985 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20985 of 2024

K.Jahir Usain

... Petitioner

Vs.

1.The Commissioner,
Food Safety, Drugs Administration,
No.359, Annasalai, Teynampet,
Chennai.

2.The District Collector,
Madurai District, Madurai.

3.The Designated Officer,
Tamilnadu Food Safety and Drug Administration
Department,
Food Safety Wing, Viswanathapuram,
Madurai District.

4.The Food Safety Officer,
Madurai Corporation, Madurai.

5.The Inspector of Police,
Perungudi Police Station,
Madurai 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 respondents 3 and 4 to unseal the petitioner's small tiffin shop situated at Valaiyapatti Bye



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Pass Road, Thriuparankundram Taluk, Madurai-625 022, based on the petitioner's representation dated 29.07.2024.

For Petitioner : Mr.B.Chakkaravarthi
For R1 & R2 : Mr.D.Gandhiraj,
Special Government Pleader
For R3 & R4 : Mr.A.Kannan,
Additional Government Pleader
For R5 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed, seeking for a direction to the respondents 3 and 4 to de-seal the petitioner's small tiffin shop situated at Valaiyapatti Bye Pass Road, Thriuparankundram Taluk, Madurai-625 022, based on the petitioner's representation dated 29.07.2024.

2.It is the case of the petitioner that he is running a tiffin shop in a rental building on the Valaiyapatti Bye Pass Road, where he also used to sell water bottles and other eatable snacks items. In such circumstances, on 29.06.2024, the 5th respondent Police arrested the petitioner, stating that they got an information from one Ansari, who had supplied some tobacco products to the petitioner and registered a case in Crime No.119 of 2024 for the offences



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punishable under Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 328 IPC, against the petitioner. Pursuant to which, he was in judicial custody for 20 days and thereafter, released on bail. However, the shop in question has been sealed. Therefore, the petitioner approached the 2nd respondent, requesting to de-seal the shop. Since no action has been taken, the petitioner has filed this Writ Petition.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Tamil Nadu Food Safety and Drug Administration Department, vide proceedings in R.No.8491/2019/S1/FSSA, dated 04.01.2024, issued the revised guidelines, under which, compounding penalty for the first time offence is enhanced to Rs.25,000/- and an undertaking affidavit is also to be given by the shop owner, undertaking that he / she will not sell any banned items in his / her shop, if it is violated, FBO bound by legal action and the affidavit should be in non-judicial stamp paper worth about Rs.100/- with Notary attestation. Therefore, if the petitioner pays the said amount and gives an undertaking affidavit before the 3rd respondent, as per the said revised guidelines, the shop in question will be de-sealed.



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4.In reply to the same, the learned counsel for the petitioner would submit that the petitioner is ready to pay the compounding penalty of Rs.25,000/- and file necessary affidavit before the 3rd respondent, as per the guidelines dated 04.01.2024.

5.In such view of the matter, the petitioner is directed to pay the amount of Rs.25,000/- and file necessary undertaking affidavit before the 3rd respondent, who in turn, on receipt of the same, is directed to de-seal the shop of the petitioner.

6.With the above direction, this Writ Petition is disposed of. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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