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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2024**

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26626 of 2024
and
W.M.P(MD)Nos.22590 & 22591 of 2024

S.Nelson ...Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
DMS Campus, 5th Floor,
No.359, Annasalai,
Teynampet,
Chennai-6.

2.The Designated Officer,
Tamil Nadu Food Safety and Drug
Administration Department,
Kanyakumari District. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.2126/A3/2024, dated 18.10.2024 passed by the second respondent and quash the same and consequently direct the respondents to open the lock and seal and hand over the possession of shop to the petitioner.

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For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

O R D E R

This writ petition has been filed challenging the order passed by the second respondent dated 18.10.2024.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the order impugned dated 18.10.2024 revealed that there is a statutory appeal remedy available under Food Safety Standards (Food Business Licensing and Registration) Regulations, 2011 read with Section 32(4) of the Food Safety Standards Act before the Commissioner of Food Safety, Chennai under Section 2.1(12). In fact the petitioner has also filed an appeal before the appellate authority on 23.10.2024 and it is pending.

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5. In view of the above, the Commissioner of Food Safety, Chennai is directed to dispose the appeal filed by the petitioner, dated 23.10.2024 and pass orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No **08.11.2024**
Speaking/Non Speaking order
am

To

1.The Commissioner,
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No.359, Annasalai,
Teynampet,
Chennai-6.

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

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G.K.ILANTHIRAIYAN, J.

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