



W.P (MD).No.29221 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

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

W.P (MD).No.29221 of 2024

S. Subbaiya

... Petitioner

Vs.

1. The Commissioner
Tamil Nadu Food Safety and Drug
Administration,
DMS Campus, 5th Floor,
No. 359, Annasalai, Teynampet,
Chennai - 6.
2. The Designated Officer
Tamil Nadu Food Safety and Drug
Administration Department, Food Safety Wing,
Sivagangai District.
3. The District Collector
Collectorate,
Sivagangai District.
4. The Superintendent of Police
Office of the District Superintendent of Police,
Collectorate, Sivagangai District.
5. The Sub Inspector of Police
Aaravayal Police Station,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to remove the lock and seal put on the petitioner shop at Aaravayal Village, Devakottai Taluk,



W.P (MD).No.29221 of 2024

Sivagangai District forthwith by considering petitioner's representation dated 12.11.2024.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader for R1-3
: Mrs.M.Aasha
Government Advocate (CrI.Side) for R4 & 5

ORDER

This writ petition has been filed for a direction directing the respondents to remove the lock and seal of the petitioner's tea shop at Aaravayal village, Devakottai Taluk, Sivagangai District.

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

3. The petitioner is running a tea stall situated at Aaravayal village, Devakottai Taluk, Sivagangai District. While being so, the fifth respondent conducted inspection and found that the petitioner is selling Cigarette and other tobacco products, without any licence. Therefore, an F.I.R has been registered as against the petitioner in Crime No.91 of 2024 for the offence under Section 24(1) of Cigarette and other Tobacco Products Act, 2003. Subsequently, the



W.P (MD).No.29221 of 2024

petitioner admitted his guilty and he paid fine. Thereafter, the second respondent came to the petitioner's shop and lock the petitioner's tea stall premises by putting seal and also affixed the order dated 30.10.2024.

4. On perusal of the order dated 30.10.2024, it revealed that the petitioner's licence was cancelled temporarily until further orders. Sofar no complaint has been laid before the adjudication officer to adjudicate the issue.

5. In view of the above, the second respondent is directed to file a complaint before the adjudicating authority within a period of two weeks from the date of receipt of copy of this order. After the complaint of the adjudication proceedings, the second respondent is directed to consider the representation submitted by the petitioner, to remove the lock and seal of the petitioner's shop and also issuance of licence.

6. With the above direction, this writ petition is allowed. No costs.

Internet : Yes
Index : Yes/No
NCC : Yes/No
LS

05.12.2024



WEB COPY



W.P (MD).No.29221 of 2024

G.K.ILANTHIRAIYAN, J.

LS

To

1. The Commissioner
Tamil Nadu Food Safety and Drug
Administration,
DMS Campus, 5th Floor,
No. 359, Annasalai, Teynampet, Chennai - 6.
2. The Designated Officer
Tamil Nadu Food Safety and Drug
Administration Department, Food Safety Wing,
Sivagangai District.
3. The District Collector
Collectorate, Sivagangai District.
4. The Superintendent of Police
Office of the District Superintendent of Police,
Collectorate, Sivagangai District.
5. The Sub Inspector of Police
Aaravayal Police Station,
Devakottai Taluk,
Sivagangai District.

W.P (MD).No.29221 of 2024

05.12.2024