



W.P (MD).No.28855 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

CORAM

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

W.P (MD).No.28855 of 2024

Mariammal

...Petitioner

Vs.

1.The Designated Officer,
Tamil Nadu Food Safety &
Drug Administration Department,
Collectorate Campus,
Virudhunagar-626 002.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Food Safety Officer,
Sattur Municipality,
Near Old Panchayat Office,
Sattur, Virudhunagar District.

4.The Inspector of Police,
Sattur Taluk Police Station,
Sattur, Virudhunagar District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents, particularly, the respondents 3 & 4 to forthwith remove the lock and seal imposed on the petitioner's teashop situated at No.6/32, West Street, Nadusurangudi, Sattur Taluk, Virudhunagar District and permit the petitioner to resume her business operations.



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For Petitioner : Mr.P.Saravanakumar
For R1 to R3 : Mr.D.Gandhi Raj
Special Government Pleader
For R4 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed for a direction directing the respondents 3 & 4 to remove the lock and seal of the petitioner's tea shop situated at No.6/32, West Street, Nadusurangudi, Sattur Taluk, Virudhunagar District.

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. The petitioner is running a tea shop in Door No.6/32, West Street, Nadusurangudi, Sattur Taluk, Virudhunagar District. While being so, on 14.09.2024 there was an inspection by the police officials and found that the petitioner was in possession of Ganesh 701 tobacco cigarettes in the tea shop in



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a white plastic cover containing 16 pouches. In pursuant to the seizure of the Tobacco cigarettes, FIR has been registered in Cr.No.135 of 2024 for the offences under Section 123 of Bhartiya Nyaya Sanhita (BNS), 2023 r/w Section 6(b) and 24(1) of Cigarettes and other Tobacco Products Acts 2003. On the information, the third respondent locked the premises for further proceeding. This is the second time. During the first time, the petitioner was imposed a fine and he has paid the same. Once again, the petitioner committed the very same offence and as such the petitioner's shop has been locked by the third respondent. Without completing the entire proceedings, the lock and seal of the petitioner's shop cannot be removed and the hence, the request made by the petitioner cannot be considered.

5. In view of the above, the writ petition is dismissed. No costs. However, the respondents 1 & 3 are directed to complete the enquiry proceedings and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

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G.K.ILANTHIRAIYAN, J.

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