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W.P.No.4750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.4750 of 2023
and W.M.P.No.4753 of 2023**

C.Balakarthikeyan

... Petitioner

Vs.

1.The Designated Officer,
Food Safety Department, Salem-1.

2.The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration,
(Food Safety Wing),
Zone IV (24-583), Salem Corporation,
Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the seizure memo dated 28.07.2021 issued by the second respondent and quash the same.

For Petitioner : Ms.D.Jeevitha

For Respondents : Mr.P.Ganesan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed challenging the seizure memo dated 28.07.2021 issued by the second respondent.

2. The petitioner is running a Alankar Zardha Scented Chewing Company and pursuant to inspection, the petitioner's premises was sealed and goods were seized by the impugned order dated 28.07.2021. The premises was kept under lock and seal and the petitioner approached this Court by filing W.P.No.9370 of 2022 seeking to hand over the key of the petitioner's premises by considering his representation. This Court disposed of the writ petition by giving a direction that the petitioner will have to retain the goods which have been seized, till the proceedings initiated against the petitioner attains a finality.

3. Now, the petitioner is before this Court challenging the seizure memo dated 28.07.2021 on the ground that the applicability of Section 3(1) (j) of the Food Safety and Standards Act, 2006, does not apply to the petitioner's business.



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4. However, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that it would suffice if this Court permits the petitioner to canvass all the points raised in this writ petition before the second respondent at the time of adjudication proceedings.

5. The learned counsel appearing for the respondents submitted that they have recovered the raw materials like tobacco, aricanut and cardamom, hence, it would fall under Section 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 and if the petitioner is aggrieved against the seizure memo, there is an appeal remedy available to him under Rule 2.4.5 (1) of Food Safety and Standards Rules 2011.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the seizure memo dated 28.07.2021 issued by the second respondent, permits the



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petitioner to canvass all the points raised in this writ petition before the second respondent at the time of adjudication proceedings.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

25.09.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

- 1.The Designated Officer,
Food Safety Department, Salem-1.
- 2.The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration,
(Food Safety Wing),
Zone IV (24-583), Salem Corporation,
Salem District.



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M.DHANDAPANI, J.

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