



W.P.No.8198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

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

W.P.No.8198 of 2024
W.M.P.No.9145 of 2024

Aasai Super Tobacco Manufacturing Company
Rep by its Proprietor Mohideen Natharsha,
R.S.No.131/5B, Main Road,
Keezhakkalpoondi Village,
Tittakudi Taluk, Cuddalore District.

... Petitioners

Vs.

1. The Commissioner,
Tamil Nadu Food Safety and
Drug Administration,
No.359, Anna Salai,
Teynampet,
Chennai – 600 006.

2. The Designated Officer,
Food Safety and Drugs
Administration Department 315,
District Collectorate Campus,
Cuddalore – 1.

3. The Village Administrative Officer,
Keelakapoondi,
Thirakudi, Cuddalore.

4. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to de-seal the factory of the petitioner concerned situated at R.S.No.131/5B, Main Road, Keezhakkalpoondi Village, Tittakudi Taluk, Cuddalore District.

For Petitioner : Mr.V.Srimathi

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for direction, directing the respondents to de-seal the petitioner's factory situated at R.S.No.131/5B, Main Road, Keezhakkalpoondi Village, Tittakudi Taluk, Cuddalore District.

2. The petitioner is a company producing chewing tobacco and it was established long back. However, the petitioners have been subjected to various forms of harassment at the behest of the respondent, since the State of Tamil Nadu had placed a ban on tobacco products across the State. Aggrieved by the said ordinance, the petitioner filed Writ Petitions and this Court permits for business to continue selling tobacco related products in the State.



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3. While being so, on 03.02.2022, the third respondent conducted raid and seized 21 tons of chewing tobacco, on the ground that chewing tobacco was harmful for human consumption and fell under the ambit of prohibited substances enshrined under the Food Safety and Standards Act 2006. Thereafter, the premises was closed and sealed and the petitioner was not permitted to conduct their business. In pursuant to the same, FIR was also registered in Crime No.114 of 2022 as against the petitioner under Section 6(6) and 24(1) of the Cigarette and other Tobacco Related Products Act, 2003 and Section 328 of IPC.

4. On perusal of the counter affidavit by the second respondent and on the submission made by the Government Advocate (Crl. Side) revealed that after sealing the petitioner's premises, it was de-sealed by the proceeding dated 28.11.2022. However, the petitioner once again started the production of prohibited tobacco products and therefore on 27.11.2023, the second respondent went to the petitioner's premises and seized 630 kgs of prohibited tobacco products under the cover of Form II of food safety seizure memo.

5. The learned counsel appearing for the petitioner submitted



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that when the petitioner's premises was sealed, the petitioner must be served with notice under Section 34 of the Food Safety and Standards Act. In fact, initial sealing of the petitioner's premises was done as contemplated under Section 34 of the Food Safety and Standards Act 2006. After de-sealing the petitioner's premises on 21.11.2022, when the second respondent visited the petitioner's manufacturing unit on 27.11.2023, once again sealed the premises without following any procedure as contemplated under Section 34 of the Food Safety and Standards Act. Further when the tobacco products are not coming under the food items, the Food Safety and Standards Act itself is not applicable.

6. The Hon'ble Division Bench of this Court by an order dated 24.05.2024 in W.M.P.No.15391 of 2024 in W.P.No.14192 of 2024, granted injunction restraining the Food Safety Department from interfering with the business of the petitioner so long as it is carried on in the manner described in W.P.(MD).Nos.18115 of 2022 etc., batch by an order dated 18.07.2022. Therefore, the second respondent sealed the petitioner's premises without following any procedure as contemplated under Section 34 of the Food Safety and Standards Act.



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7. In view of the above, the second respondent is directed to de-seal the premises of the petitioner situated at R.S.No.131/5B, Main Road, Keezhakkalpoondi Village, Tittakudi Taluk, Cuddalore District, within a period of two weeks from the date of receipt of a copy of this Order. However, the second respondent is at liberty to proceed as against the petitioner in accordance with law, if so advised.

8. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

07.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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G.K.ILANTHIRAIYAN, J.

rts

WEB COPY

To

1. The Commissioner,
Tamil Nadu Food Safety and
Drug Administration,
No.359, Anna Salai,
Teynampet,
Chennai – 600 006.

2. The Designated Officer,
Food Safety and Drugs
Administration Department 315,
District Collectorate Campus,
Cuddalore – 1.

3. The Village Administrative Officer,
Keelakapoondi,
Thirakudi, Cuddalore.

4. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

5. The Public Prosecutor,
Madras High Court,
Chennai.

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