



Writ Petition No.22622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 02.07.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.22622 of 2025

and

WMP.Nos.25469 & 25470 of 2025

Manjukodi

W/o. Venkatachalam

..Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Food Safety and Drug Administration Department,
No.359, 5th Floor, DMS Campus,
Anna Salai, Teynampet,
Chennai-600 006.

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

3.The Food Safety Officer,
Tharamangalam Block,
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 impugned order passed by the second respondent in Na.Ka.No.1879/A3/2025 dated 20.05.2025 and quash the same.



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For Petitioner : Ms.G.Ambika
For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 20.05.2025 whereby the second respondent has suspended the license given in favour of the petitioner under the Food Safety and Standards Act, 2006 and also sealed the business premises.

2. The case of the petitioner is that she is running a grocery shop by getting proper license from the concerned authority, who has issued FSSAI certificate. On 09.05.2025, the second respondent came to the shop of the petitioner and conducted an inspection and it was found that the petitioner was in possession of tobacco products in the shop without obtaining license from the Food Safety Department. Hence, the second respondent passed the impugned order dated 20.05.2025 and directed the petitioner to close the grocery shop and ordered for cancellation of license issued by the Food Safety Department. A penalty of Rs.1,00,000/- was also imposed against the petitioner. Aggrieved by the same, the present writ petition has been filed.



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3. The main grievance expressed by the learned counsel for the petitioner is that the impugned order was passed by the second respondent without affording any opportunity to the petitioner.

4. When the matter came up for hearing on 25.06.2025, this Court directed learned Government Advocate appearing on behalf of respondents to take written instructions from the second respondent. Accordingly, the matter was directed to be listed for hearing today.

5. The second respondent has given written instructions and the relevant portions are extracted hereunder:

"On June 10, 2022, during an inspection conducted by Mr.I.Pushparaj, the Food Safety Officer working in Tharamangalam block, at Manju Maligai owned by Manjukodi, located at Nangavalli Main Road, Paaippur area, Tharamangalam Block, Salem District, food products containing nicotine, which are banned by the Tamil Nadu Government of about 0.155 kg, were discovered and seized. At that time, a penalty of Rs.5000/- was imposed by the Designated officer, Food Safety Department, Salem District, as determined by the Tamil Nadu Government. The receipt for this penalty amount was submitted to this office by Mrs.Manjukodi w/o Venkatachalam on September 14, 2022.

Subsequently, on January 24, 2025, during an inspection by Mr.P.Arokiaprabhu, who was serving as the Food Safety Officer for Tharamangalam Block, nicotine-containing food products (Hans,



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Vitobacco) banned by the Tamil Nadu Government were found and seized about 0.810 kg from Mrs.Manjukodi w/o.Venkatachalam's Manju Grocery shop after issuing Form II. Designated Officer, Food Safety Department, Salem District, was informed. As on date, as per the order implemented by the Tamil Nadu Government (Reference: Compounding Penalty Order of CoFS. Date:07.02.2024), the aforementioned person's offense was determined to be a second offense. Consequently, vide Na.K.No.258/A2/2025 dated January 24, 2025, the Designated Officer, Food Safety Department, Salem District, imposed a penalty of Rs.50,000/- and issued an order temporarily banning commercial activity for 30 days, requiring a bond of Rs.100/-. Following this, the owner of the aforementioned shop paid the penalty and submitted the receipt to the office. They also provided an undertaking that they would not sell nicotine-containing food products banned by the Tamil Nadu Government in the future on 28.01.2025 and obtained permission to continue selling food products and has been conducting business.

Based on a complaint received that banned tobacco products were sold to minors and school children, We, Selvi.P.Malathi, the Food Safety Officer, Tharamangalam Block along with Thiru.P.Arokiaprabhu, Food Safety Officer, Salem Corporation Zone-IV inspected the premise of FBO. At the time of inspection when we enquired about the registration or license, they have not disclosed any details also they did not display it on a prominent place. Since, it is mandatory of FBO to display it on Prominent place according to FSSR 2.1.1(5) of FOOD SAFETY AND STANDARDS (LICENSING AND REGISTRATION OF FOOD BUSINESSES) REGULATIONS, 2011. During the inspection, nicotine-containing food products (v1 tobacco) banned by the Tamil Nadu Government were found in their shop of about 0.031 kg. A seizure form was issued, and the products were confiscated. The contents of the seizer form were explained to Mrs.Manjukodi W/o.Venkatachalam, the owner of the aforementioned shop, she signed it. Based on this seizure form and as per Reference: Compounding Penalty Order of CoFS. Date:07.02.2024, vide Na.Ka.No.1879/A3/2025, an order was issued by the Designated Officer to stop the sale and impose a penalty of Rs.1,00,000/-."



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6. Heard Ms.G.Ambika, learned counsel for petitioner and Mr.E.Sundaram, learned Government Advocate appearing for respondents.

7. It is clear from the above that the petitioner is repeatedly involved in selling tobacco products from the year 2022 onwards and already twice the petitioner was given a chance to correct herself. She also gave an undertaking and in spite of it, she has once again repeated the same mistake by selling tobacco products in the grocery shop. Hence, this Court does not find any illegality in the second respondent proceeding further to suspend the license given by the petitioner.

8. Even as per the impugned proceedings of the second respondent dated 20.05.2025, the petitioner has been given the right of appeal before the first respondent to challenge the decision taken by the second respondent. Under such circumstances, this Court is not inclined to exercise its discretion under Article 226 of the Constitution of India considering the facts of this case. In view of the above, the petitioner is granted liberty to file an appeal before the first respondent challenging the decision taken by the second respondent and it



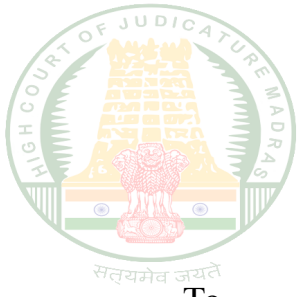
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is left open to the first respondent to decide the appeal on its own merits and in accordance with law after affording opportunity to the petitioner and a decision shall be taken within a period of four (4) weeks from the date of receipt of the appeal filed by the petitioner. The appeal shall be filed by the petitioner within a period of one (1) week from the date of receipt of a copy of this order. In the mean time, the petitioner will not be permitted to run the shop until further orders are passed in the appeal.

This writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

02.07.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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N. ANAND VENKATESH, J.

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