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W.P.No.33876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33876 of 2024

RAVIKANTHRAMPAL SINGH

.. **Petitioner**

Vs.

1. THE COMMISSIONER

OFFICE OF THE COMMISSIONER OF FOOD SAFETY
AND DRUG ADMINISTRATION DEPARTMENT 359
ANNA SALAI THEYNAMPET CHENNAI-600 009

2 THE DESIGNATED OFFICER-

COIMBATORE TAMILNADU FOOD SAFETY AND DRUG
ADMINISTRATION DEPARTMENT, FOOD SAFETY WING
219 RACE COURSE ROAD COIMBATORE-641 018

3 C.PONMURUGAN

THE MANAGING DIRECTOR, PONMURUGAN DHALL
MILLS, MAYILMARK SAMBA RAVAI, SF.NO.159 118
TRICHY MAIN ROAD KANNAMPALAYAM POST, SULUR
VIA COIMBATORE-641 001.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd respondent to take action on petitioner's representation dated 23.09.2024 to expose the name of the



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manufacturer of unsafe food seized on 27.07.2024 to take action to seize the shop and to proceed criminal action.

For the Petitioner : Mr.B.Nedunchezhiyan

For the Respondents : Mr.E.Vijay Anand
Additional Government Pleader
For RR1 & 2
Mr.Srinath Sridevan
Senior Counsel assisted by
Ms.Prarthana Ramesh for R3

ORDER

This Writ Petition is filed for a Mandamus directing the respondents 1 and 2 to take action on the petitioner's representation dated 23.09.2024 to expose the name of the manufacturer of unsafe food, seized on 27.07.2024 and to take action to seize the shop and proceed to criminal action.

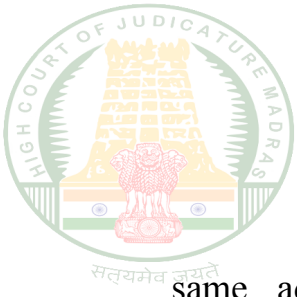
2. When the matter came up for hearing, a counter affidavit is filed on behalf of the official respondents. It is submitted by them that pursuant to the representation and as a part of the routine work, a total number of 26 surveillance samples of samba rava was taken during the period January 2024 to



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October 2024. Of these, on analysis they found that 4 samples were reported unsafe. As per the rules, the 4 unsafe samples have been sent to the retailers and manufacturers concerned by the 2nd respondent. Thereafter, as per Section 42 (3) of the Food Safety and Standard Act, 2006 (hereinafter 'the Act'), the 2nd respondent has sent its recommendations, immediately to the 1st respondent to obtain necessary prosecution sanction against the offenders involved in these 4 samples. Section 46 (4) of the Act provides for an appeal against the report of the food analyst to the referral laboratory. Accordingly, in respect of three out of four samples, appeals were filed by the concerned manufacturers. The referral laboratory has now given results in respect of two of the four samples and in respect of the two other samples, the results are yet to come. In respect of the two samples which are belonging to the 3rd respondent, the referral laboratory has given a clean chit that they confirm to the standards and as such further action is dropped as against the 3rd respondent. In so far as the other referrals depending on the outcome of the laboratory report, further action will be taken. The said fact was also informed to the petitioner by a communication dated 09.09.2024. The said fact was informed to the yet another informant from the



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same address, by name Rajesh Kumar. In any event, the petitioner's representation is also being considered, and action has been taken.

3. *Mr.Srinath Sridevan*, the learned Senior Counsel appearing for the 3rd respondent pointing out paragraph No.9 of the counter affidavit would submit that from the very same address repeated representations are received by the authorities would demonstrate the fact that the petitioner was set up by the competitor and there is no *iota* of bonafide in the very complaint of the petitioner.

4. The learned counsel appearing on behalf of the petitioner would submit that the petitioner is a bonafide consumer and in spite of the report, he is entitled to move before the Consumer Court for the things suffered by him.

5. Recording the above submissions made by *Mr.Vijay Anand*, the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 that they will take further action in accordance with law, subject to the outcome



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of the referral laboratory report, this Writ Petition stands disposed of. No costs.

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Neutral Citation : No

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To

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D.BHARATHA CHAKRAVARTHY, J.

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