



W.P.(MD)No.666 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

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

W.P.(MD)No.666 of 2025

and

W.M.P(MD)Nos.456 & 457 of 2025

M.Rajakumar

... Petitioner

/Vs./

The Designated Officer,
Food and Safety Department,
Food Safety Wing,
Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of cancellation passed by the respondent vide his proceedings dated 17.12.2024 through online portal of the respondent pertaining to the license of the petitioner vide License No.12424028001264 dated 06.12.2024 and quash the same consequently direct the respondent to consider the representation of the petitioner dated 20.12.2024 and to issue the license in accordance with law.



W.P.(MD)No.666 of 2025

For Petitioner : Mr.N.Ananda Kumar

For Respondent : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the respondent dated 17.12.2024 thereby cancelled the license/Registration No.12424028001264, dated 06.12.2024.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is a tenant under his landlord in respect of shop situated at No.24/109, Gandhi Road, Srirangam, Trichy. He entered into a lease agreement with his landlord one Tamilmani W/o.K.Muneeswaran for the shop on 10.04.1997 for a period of three years. After the expiry of the lease period, agreement was not renewed or extended for further period. However, the petitioner is in possession and occupation of the shop. In the meanwhile, his landlord also filed a petition for owners occupation and demolision and reconstruction before



W.P.(MD)No.666 of 2025

the Civil Court. Further, the landlord also filed another petition for fixation of fair rent. Both the petitions are pending. In the meanwhile, the petitioner was licensed to run the Xerox centre in the shop. During the Deepavali season, the petitioner used to sell crackers with license, however, he could not able to continue the crackers business due to the objection raised by the owner of the shop. Therefore, the petitioner applied license to start edible oil business in the shop before the respondent under Thakkal scheme. The petitioner was granted license under Regulations 2.1.1 and 2.1.7 of Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011. However, on 17.12.2024 it was cancelled.

4. The learned counsel for the petitioner would submit that the license was cancelled without giving notice to the petitioner and without giving an opportunity of hearing to the petitioner. That apart, the petitioner is in possession and enjoyment of the subject shop and also paid the professional tax for the said shop.



W.P.(MD)No.666 of 2025

WEB COPY

5. The learned Additional Government Pleader appearing for the respondents on instructions would submit that as per Clause 9 of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 proof of possession of premises such as sale deed, rent agreement, electricity bill etc., to be produced by the occupier for obtaining license. That apart, the petitioner applied for Thatkal scheme and as such without verifying those documents, the licensing authority issued license. Subsequently, on receipt of objection raised by the landlord, conducted an enquiry and the petitioner is in illegal occupation and he fails to produce any of the document which was mentioned in Clause 9 schedule 11 of Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011. Therefore, the license granted to the petitioner was cancelled by the proceedings dated 17.12.20224. Admittedly, the lease period was not extended and lease agreement was also not renewed sofar. The petitioner is facing owners occupation and demolision and reconstruction. That apart, the petitioner also filed a suit in O.S.No.62 of 2017 on the file of the I Additional District Munsif Court, Trichirappalli for injunction, subsequently, the said suit was also dismissed for default.



W.P.(MD)No.666 of 2025

WEB COPY

6. Therefore, the respondent has rightly cancelled the license and this Court finds no infirmity or illegality in the order passed by the respondent dated 17.12.2024 and it is devoid of merits and it is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

20.01.2025

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
am

TO:-

The Designated Officer,
Food and Safety Department,
Food Safety Wing,
Trichy.



WEB COPY



W.P.(MD)No.666 of 2025

G.K.ILANTHIRAIYAN, J.

am

Order made in
W.P.(MD)No.666 of 2025

Dated:
20.01.2025