

W.P.(MD)No.15570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.15570 of 2024
and W.M.P(MD).No.13617 of 2024

G.Kannan

... Petitioner

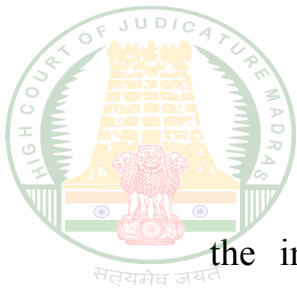
vs.

1.The Designated Officer (Central Licensing),
Food Safety and Standard Authority of India,
Tamil nadu -3,
Southern Region Chennai,
Ministry of Health and Family Welfare,
2nd Floor, South Wing, Central Documentation Complex,
Chennai Port Trust Building, Rajaji Salai,
Chennai 600 001.

2.The Food Safety Officer (Central Licensing),
Food Safety and Standard Authority of India,
Southern Region Chennai,
Ministry of Health and Family Welfare,
2nd Floor, South Wing, Central Documentation Complex,
Chennai Port Trust Building, Rajaji Salai,
Chennai 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to



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the impugned notice dated 01.05.2024 r/w impugned order of the Analysis Report No.24040164.01 ULR-TC761824000001696F dated 29.04.2024 issued by the first respondent and quash the same as illegal.

For Petitioner : Mr.V.P.Raman
for Mr.K.Krishna

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

A perusal of the impugned order shows it is only a notice under Section 46(4) of the Food Safety and Standards Act r/w Section 2.4.2(6) and 2.4.6(1) and 2.4.6(2) of the Food Safety and Standards Rules of 2011. By the impugned order, the authority has enclosed the report of skimmed milk powder sent to CVR Labs Private Limited. The notice also states that in case of no reply is issued, further action will be taken. It also gives an opportunity to the writ petitioner to appeal under Form VIII to analyze the sample in the referral lab. Hence, the petitioner can always approach the respondents and seek for the sample drawn from the petitioner's unit and send it for analysis to a referral lab.



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2. The learned Additional Solicitor General instructed by the Deputy Solicitor General states that the sample in CL /TN/2024-25/015 is still available with the respondents. Hence, it is open to the petitioner to seek for the remedy that has been given in the show cause notice.

3. When this aspect was pointed out to Mr.V.P.Raman representing Mr.K.Krishna, he states that his client will withdraw this writ petition and pursue the right available under the Act. The counsel on record has also made an endorsement to that effect on the bundle. The statement of Mr.V.P.Raman is taken on record.

4. With liberty to workout the avenue available under the impugned order, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

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V. LAKSHMINARAYANAN, J.

Rmk

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