

W.P(MD)No.17155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 17155 of 2025

and

W.M.P(MD)Nos.13021 to 13023 of 2025

Anantha Kumar

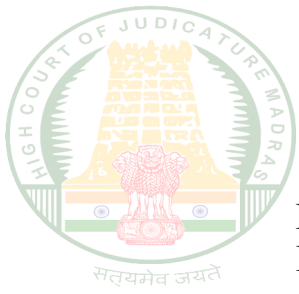
... Petitioner

vs.

1. The Commissioner,
Tamil Nadu Food Safety and Drug Administration,
DMS Campus, 5th Floor,
No.359, Annasalai, Teynampet,
Chennai - 6.
2. The Food Safety Officer,
Tamil Nadu Food Safety and Drug Administration Department,
Food Safety Wing,
Virudhunagar District.
3. The Designated Officer,
Aruppukottai Municipality and Region,
Virudhunagar District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Certiorarified Mandamus* to call for the records pertaining to the impugned order passed by the 3rd respondent herein in Na.Ka.No. 1099/A1/UPaaThaSa/2025 dated 05.06.2025 and quash the same as illegal and consequently direct the respondents to desal the petitioner's Aathiyappan Petty Shop at Aruppukottai Main Road, Therkupatti, Palavanatham, Aruppukottai, Virudhunagar District.



W.P(MD)No.17155 of 2025

For Petitioner : Mr.J.Mohamed Ibrahim
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader, for R-1 & R-2

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ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Certiorarified Mandamus* to quash the impugned order passed by the 3rd respondent in Na.Ka.No.1099/A1/UPaaThaSa/2025 dated 05.06.2025 and consequently direct the respondents to desal the petitioner's Aathiyappan Petty Shop.

2. The petitioner runs a small petty shop selling fruits and other food items. The respondents have alleged that the petitioner is selling banned items, namely tobacco. This is the third time the respondents have imposed fine. In the previous two instances, the petitioner paid the appropriate fine, and the shop was allowed to reopen.

3. In the present case, now the petitioner contended that the respondents without seizing any material has sealed the shop. Moreover, no notice was issued.

4. On instructions, the learned Additional Government Pleader appearing for respondents 1 and 2 submitted that 195 grams of tobacco were



W.P(MD)No.17155 of 2025

seized. The respondents have not clarified whether the tobacco was kept for personal consumption or for commercial purposes. Since the quantity is considered a consumable amount, this Court is inclined to quash the impugned order.

5. Accordingly, this writ petition is allowed. The impugned order passed by the 3rd respondent in Na.Ka.No.1099/A1/UPaaThaSa/2025, dated 05.06.2025, is hereby quashed. However, the petitioner is directed to submit an undertaking affidavit stating that he will not keep the said products in his shop in the future to the respondents. The petitioner is further directed to pay a sum of Rs. 10,000/- (Rupees Ten Thousand Only) in favor of the Government Orphanage, Madurai, Savings Bank Account No.37487255860, IFSC: SBIN0007922, within a period of one week from today, i.e., by 25.06.2025. Upon such payment and submission of the undertaking affidavit, the respondents are directed to reopen the shop within a period of three weeks thereafter. Consequently, connected miscellaneous petitions are closed.

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
KSA

Note : Issue a copy of order on 26.06.2025



W.P(MD)No.17155 of 2025

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To

1. The Commissioner,
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DMS Campus, 5th Floor,
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Chennai - 6.
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W.P(MD)No.17155 of 2025

S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.17155 of 2025**

DATED :25.06.2025