



W.P.(MD)No.28579 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.(MD)No.28579 of 2022

and

W.M.P.(MD)No.22583 of 2022

Britannia Industries Limited,
represented by its Manager, Legal,
Bengaluru-560 048, Karnataka.

... Petitioner

vs.

1.The District Revenue Officer cum,
Additional District Magistrate
and Adjudication Officer,
Thoothukudi District.

2.The Food Safety Officer (Code 596),
Thoothukudi Corporation -II.

3.The Food Safety and Standard Authority of India,
Rep. by Ministry of Health and
Family Welfare Department,
Kotla Road, FDA Bhavan,
New Delhi - 110 002.

... 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 the proceedings, dated 16.05.2022, in R.No.Case No.104/2021 passed by the 1st respondent under the Food and Safety Standards Act, 2006 and Food Safety and Standards (Food Safety Standard and food additive) Regulations, 2011, and quash the same in so far as it relates to the levy of penalty on the petitioner.



WEB COPY



W.P.(MD)No.28579 of 2022

For Petitioner :Mr.R.Saravana Kumar
For R1 and R2 :Mr.A.Kannan
Additional Government Pleader
For R3 :Mr.Su.Srinivasan

ORDER

The petitioner seeks for the following relief:

“Writ of Certiorari to call for the records relating to the proceedings, dated 16.05.2022, in R.No.Case No.104/2021 passed by the 1st respondent under the Food and Safety Standards Act, 2006 and Food Safety and Standards (Food Safety Standard and food additive) Regulations, 2011, and quash the same in so far as it relates to the levy of penalty on the petitioner.”

2.As against the impugned order, a statutory appeal lies under Section 70 of Food and Safety Standards Act, 2006. The petitioner has been *bona fidely* pursuing the remedy before this Court from 2022 onwards.

3.The issues raised by Mr.R.Saravana Kumar for the petitioner are disputed questions of fact. Hence, I am not inclined to go into the merits of the Writ Petition. Liberty is granted to the Writ Petitioner to prefer an appeal as against the impugned order within 30 days from today. In the event of any appeal is filed within the said period, the



W.P.(MD)No.28579 of 2022

delay, that had occasioned from the date of this order till the date of filing of the appeal, shall be deemed to have been condoned. In other words, the appellate Tribunal shall entertain the appeal, if it is filed within the period of 30 days, without insisting an application to condone the delay. The Writ Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
NCC :Yes / No
cmr

22.04.2025

To

1.The District Revenue Officer Cum,
Additional District Magistrate
and Adjudication Officer,
Thoothukudi District.

2.The Food Safety Officer (Code 596),
Thoothukudi Corporation -II.



WEB COPY



W.P.(MD)No.28579 of 2022

V. LAKSHMINARAYANAN, J.

cmr

W.P.(MD)No.28579 of 2022

22.04.2025