



W.P.(MD)Nos.30837 & 31108 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.01.2025

CORAM:

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

W.P.(MD)Nos.30837 & 31108 of 2024

and

W.M.P.(MD)No.25914 & 26107 of 2024

OMS Tamarind Merchant Pvt. Ltd.,
rep. by its Authorised Signatory /
Director, R.Kiruba Shankar

... Petitioner
in both W.Ps

/Vs./

1. The District Revenue Officer
cum Additional District Magistrate,
Madurai.

2. The Food Safety Officer
Department of Food Safety and Medical
Administration, Madurai.

... Respondents
in both W.Ps

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent in case Nos. 315/2024/c6 (e152358), and 306/2024/c6 (e1455311), respectively, dated 18.10.2024, quash the same as illegal and arbitrary.



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W.P.(MD)Nos.30837 & 31108 of 2024

(In both W.Ps)

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the order passed by the first respondent dated 18.10.2024, thereby, imposed fine of Rs.10,000/- each for the violation of regularization 2.3.49 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011.

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

3. The petitioner in both writ petition is a Tamarind Merchant in the name and style of OMS Tamarind Merchant Pvt. Ltd.. While being so, the second respondent inspected the petitioner's shop on 16.09.2022 and 31.10.2022 respectively and had taken samples of OMS Greedam Dosa Tamarind. Subsequently, it was sent to food analyst, Chennai.



W.P.(MD)Nos.30837 & 31108 of 2024

After receipt of the analyst report, it was found that the Tamarind, which was sold by the petitioner was sub-standard and it is contravention of the regularization 2.3.49 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011. As per the report, the second respondent lodged a complaint before the first respondent. The first respondent adjudicated the complaint and to punish the petitioner for the offence under Section 51 of the Food Safety and Standards Act, 2006. The first respondent conducted enquiry and passed orders, dated 18.10.2024, thereby found the petitioner's guilty and imposed penalty for the Proprietor of the shops and also imposed penalty for the petitioner to the tune of Rs.10,000/- each.

4. The learned counsel for the petitioner in both writ petition would submit that the petitioner never produced seedless Tamarind. The Tamarind also labeled as OMS Greedam Dosai Tamarind, it never stated as it is a seedless tamarind.

5. On perusal of the counter filed by the second respondent and on submissions made by the learned Additional Government Pleader,



W.P.(MD)Nos.30837 & 31108 of 2024

it revealed that on inspection, samples of OMS Greedam Dosai Tamarind were taken and sent it for food analyst. The food analyst submitted report and opined that OMS Greedam Dosai Tamarind is sub-standard one and it is the violation of regularization 2.3.49 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011. The said regulation is prescribed for seedless tamarind as per the regulation. The seed found more than 0.5%, it is sub-standard. On the basis of the report, the second respondent lodged a complaint and after adjudication, the petitioner was imposed with penalty of Rs.10,000/- each. The petitioner produced Agmark Special Grade Tamarind and as such regularization 2.3.49 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011, is clearly attracted and the sample does not match the standard under the said Regulations.

6. Though the petitioner did not mention as seedless tamarind, no tamarind with seed can be used for cooking purpose. Therefore, it is impliedly understood that it is only seedless tamarind as OMS Greedam Dosai Tamarind. That apart the act does not only permit seedless to the public consumption, if they want to sell tamarind for human consumption



W.P.(MD)Nos.30837 & 31108 of 2024

whether they declared it a seedless or not it shall be given under the Standards Fixed by the FSSAI.

7. In view of the above, this Court finds no infirmity or illegality in the orders passed by the first respondent and these writ petitions are liable to be dismissed.

8. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

1. The District Revenue Officer
Cum Additional District Magistrate,
Madurai.
2. The Food Safety Officer
Department of Food Safety and Medical
Administration, Madurai.



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W.P.(MD)Nos.30837 & 31108 of 2024

G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
22.01.2025