

# Pooja Stores vs The Commissioner on 13 June, 2022

**Author: G.R.Swaminathan**

**Bench: G.R.Swaminathan**

W.P. (MD) No. 1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10447 of 2022

P00JA STORES  
Represented by Proprietor,  
H.Mukan Singh,  
S/o. Harmat Singh,  
No.57A, 5, Trichy Road,  
Thuraiyur,  
Tiruchirapalli District.

... Petit

Vs

- 1.The Commissioner,  
Tamil Nadu Food Safety and Drug Administration,  
Chennai - 600 006.
- 2.The Designated Officer,  
Food Safety and Drug Administration Department,  
Trichirapalli.
- 3.The District Collector,  
Trichirapalli District,  
Trichirapalli.

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to consider and to dispose the petitioner's representation, dated 05.05.2022, to permit the petitioner to reopen the shop and to remove the products thereof speedily and naturally decayable.

<https://www.mhc.tn.gov.in/judis>

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W.P. (MD) No

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.K.Balasubramani  
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner is running a provision store. His premises were inspected by the Food Safety Officer, Thuraiyur. A huge quantity of banned and unsafe Tobacco products were allegedly found. Therefore, the second respondent applied to the first respondent for issuance of Emergency Prohibition Notice. Following the said application, the first respondent / the Commissioner passed an order dated 26.04.2022 for sealing the premises in question. As per the Section 34(2) of Food Safety and Standards Act 2006, an Emergency Prohibition Order was issued. The said order will cease to have effect if the Designated Officer issues Certificate that he is satisfied that the Food Business Operator has taken sufficient measures for justifying the lifting of such order. The petitioner has submitted the representation before the second respondent. Since it has not been considered, the present writ petition came to be filed.

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3. Interests of justice will be met by directing the second respondent to pass appropriate orders on the petitioner's representation within a period of seven days from the date of receipt of a copy of this order.

4. This writ petition is disposed of. No costs.

13.06.2

Index	: Yes / No
Internet	: Yes/ No
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Note:Issue Order Copy on 14.06.2022.

To

1.The Commissioner, Tamil Nadu Food Safety and Drug Administration, Chennai - 600 006.

2.The Designated Officer, Food Safety and Drug Administration Department, Trichirapalli.

3.The District Collector, Trichirapalli District, Trichirapalli.

<https://www.mhc.tn.gov.in/judis> G.R.SWAMINATHAN, J.

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