

The Afc (American Fried Chicken Pvt. ... vs Rijoy George on 29 July, 2022

Author: V.G.Arun

Bench: V.G.Arun

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944
WP(C) NO. 23826 OF 2022

PETITIONER:

OTHERSTHE AFC (AMERICAN FRIED CHICKEN PVT. LTD.)
REPRESENTED BY OPERATIONS HEAD ABDUL MANAF EDAKKAVIL
1ST FLOOR, MUHAMMED HAJI BUILDING,
OPP. LULU MALL, KOCHI, PIN - 682024
BY ADV K.J.RENJITH

RESPONDENTS:

- 1 RIJOY GEORGE
CC 54/ 73, MULAKUKODIYANKAL HOUSE,
KUMARANASAN NAGAR, KADAVANTHRA, ERNAKULAM, PIN - 682020
- 2 INSPECTOR OF POLICE
ERNAKULAM TOWN NORTH POLICE STATION, CHITTOOR ROAD,
KACHERIPPADY, ERNAKULAM, PIN - 682018
- 3 COMMISSIONER OF FOOD SAFETY
OFFICE OF THE COMMISSIONER OF FOOD SAFETY,
KODAMKULANGARA, EROOR SOUTH, THRIPIUNITHURA, ERNAKULAM,
PIN - 682306
- 4 THE SECRETARY, COCHIN CORPORATION
PARK AVENUE ROAD, MARINE DRIVE, KOCHI, PIN - 682011

OTHER PRESENT:

GP.P.S.APPU; SC K.JANARDHANA SHENOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P. (C) No.23826/2022

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V.G.ARUN J.

W.P.(C) No.23826 of 2022

Dated this the 29th day of July 2022

JUDGMENT

The petitioner is aggrieved by the alleged inaction on the part of the authorities in taking appropriate action on the complaint filed by the petitioner alleging illegal conduct of a food outlet by the 1st respondent. The main grievance is regarding misuse of the petitioner's brand name. The petitioner has pointed out violation of the Food Safety and Standards Act, 2006 also.

After having heard the learned counsel for the petitioner at length, I find that the dispute is essentially regarding misuse of petitioner's trade mark by the first respondent. No specific instance of violation of the FSSA is pointed out in the complaint. Therefore, this court cannot direct the authorities to take action based on the complaint produced. Of course, if the authorities find substance in the allegation they can take appropriate action, following the prescribed procedure.

The writ petition is hence dismissed with the above observation.

Sd/--

V.G.ARUN Judge dpk APPENDIX OF WP(C) 23826/2022 PETITIONER EXHIBITS Exhibit P1 FRANCHISE AGREEMENT Exhibit P2 COMPLAINT BY STAFF TO MANAGEMENT Exhibit P3 COMPLAINT BY STAFF TO 2ND RESPONDENT Exhibit P4 ACKNOWLEDGEMENT OF COMPLAINT RECEIVED FROM 2ND RESPONDENT Exhibit P5 SHOW CAUSE NOTICE TO 1ST RESPONDENT Exhibit P6 COMPLAINT BY THE PETITIONER TO 2ND RESPONDENT Exhibit P7 ACKNOWLEDGEMENT OF COMPLAINT RECEIVED FROM 2ND RESPONDENT Exhibit P8 LEGAL NOTICE SENT BY THE PETITIONER TO THE 1ST RESPONDENT Exhibit P9 COMPLAINT BY THE PETITIONER TO THE 3RD RESPONDENT Exhibit P10 COMPLAINT BY THE PETITIONER TO THE 4TH RESPONDENT Exhibit P11 RECEIPT OF COMPLAINT RECEIVED FROM 4TH RESPONDENT