

New Bharathavel Sago Factory vs Commissioner Of Food Safety on 14 March, 2024

Author: Anita Sumanth

Bench: Anita Sumanth

2024:MHC:1346

W.P.No.6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6633 of 2024

and

W.M.P.Nos. 7359 & 7361 of 2024

New Bharathavel Sago Factory
rep. by its Proprietor Ganesan,
Sitheri Post, Thalaivasal Taluk,
Salem District.

vs

1.Commissioner of Food Safety,
No.359, Anna Salai,
V Floor, DMS Office Building,
DMS Campus, Teynampet,
Chennai- 600 006.

2.District Collector,
Salem District, Salem.

3.Designated Officer,
Food Safety and Drug Administration,
Salem District, Salem – 1.

4.Managing Director,
SAGO SERVE
Jagirammappalayam, Omalur Main Road,
Salem – 636 302

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Petition filed under Article 226 of the Constitution of India
praying to issue a writ of Certiorari or Mandamus calling for the

records relating to the Order in R.No.466/2024/A1/FSD dated 14.02.2024 on the file of the 3rd respondent herein and quash the s and consequently restrain the respondents herein from coercing the petitioner herein to send his entire production of Sago / Starch to respondent marketing Society and taking sample in the intermediate products viz., Wet Tapioca Starch / liquid Tapioca Starch and on th score suspending the Food manufacturer license by abusing the provisions of the Food Safety and Standards Act, 2006.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.M.R.Gokul Krishnan (for R1
Additional Government Pleader

ORDER

The petitioner has challenged an order passed by the 3rd respondent/the Designated Officer, Food Safety and Drug Administration, Salem and seeks a quash of the same with several consequential prayers. The petitioner is aggrieved by the sealing of its premises in Salem District and has set out various grievances in regard to the sealing per se, as well as the conduct of the officers in the course of the search.

2.However, Mr.M.R.Gokul Krishnan, learned Additional Government Pleader, who accepts notice for R1 to R3 would point out that the petitioner has made an appeal challenging impugned order dated <https://www.mhc.tn.gov.in/judis> 14.02.2024 and the appeal has been listed before the appellate authority for hearing on 18.03.2024. The said hearing has been communicated to the petitioner vide notice dated 13.03.2024.

3.In light of the aforesaid, the petitioner may well pursue the appellate remedy availed by him. This writ petition is found not maintainable and the same is dismissed with liberty. No costs. Connected miscellaneous petitions are closed.

14.03.2024 Index:Yes/No Speaking Order Neutral Citation:Yes vs To

1.The Commissioner of Food Safety, No.359, Anna Salai, V Floor, DMS Office Building, DMS Campus, Teynampet, Chennai- 600 006.

2.The District Collector, Salem District, Salem.

3.The Designated Officer, Food Safety and Drug Administration, Salem District, Salem – 1.

4.The Managing Director, SAGO SERVE, Jagirammappalayam, Omalur Main Road, Salem – 636 302
<https://www.mhc.tn.gov.in/judis> DR. ANITA SUMANTH,J.

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