

M.Thangaraj vs The District Designated Officer on 29 September, 2021

Author: Senthilkumar Ramamoorthy

Bench: Senthilkumar Ramamoorthy

W.P (MD)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17503 of 2021

M.Thangaraj

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Vs.

1.The District Designated Officer,
Food Safety Department,
No.239, 2nd Floor,
Collector Office,
Sivagangai.

2.The Food Safety Officer,
FSO Code No.198,
Kallal & Thiruppathur Block,
Sivagangai District.

...Res

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to shift / remove 28 tea particle bundles from the petitioner's house situated at No.4/4/3/2, Akilmanai Street, Thiruppathur, Sivagangai District, which was sealed by the 2nd respondent at the time of seizure on 04.12.2018, by considering his representation dated 14.09.2021.

For Petitioner
For Respondents

: Mr.T.Lenin Kumar
: Mr.P.Subbaraj
Counsel for State

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W.P(M)

ORDER

The petitioner seeks a direction for shifting or removing 28 bundles containing tea particles from his house at No.4/4/3/2, Akilmanai Street, Thiruppathur, Sivagangai District.

2.The petitioner states that he is a lessee of the above mentioned property. He was in the business of retail sale of tea. For such purpose, 28 bundles containing tea particles weighing about 1 ton were stored in his house on 04.12.2018. The second respondent inspected his house and seized the said bundles on the alleged ground that the relevant products were unsafe and mis-branded. Private complaints in S.T.C.Nos.1176 and 1177 of 2019 are pending in connection with such seizure before the District Munsif Cum Judicial Magistrate, Thiruppathur, Sivagangai District.

3.Meanwhile, the petitioner states that the landlord has called upon the petitioner to vacate the relevant premises. In addition, it is stated that the seized goods are perishable in nature and, therefore, the said goods should be destroyed or removed from the premises. On account of the storage of such <https://www.mhc.tn.gov.in/judis/> goods for a considerable period of time, it is stated that the entire area is infested by insects and the like.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's representation may be directed to be considered and disposed of expeditiously.

5.The petitioner seeks the shifting or removal of 28 bundles containing tea particles on the ground that the said commodities are perishable and, therefore, may be destroyed in accordance with Section 38(4) of the Food Safety and Standards Act, 2006. This aspect should be taken note of and considered by the respondents. Needless to say, a workable solution should be arrived at so as to not compromise the pending criminal proceedings in relation to the seizure.

6.Subject to the above observations but without entering any findings on the merits of the matter, the respondents are directed to consider the petitioner's representation dated 14.09.2021 and dispose of the same by a reasoned order within a period of thirty (30) days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner. <https://www.mhc.tn.gov.in/judis/>

7.W.P.(MD).No.17503 of 2021 is disposed of on these terms without any order as to costs.

Index : Yes / No

Internet : Yes/ No
sn/sji

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Designated Officer, Food Safety Department, No.239, 2nd Floor, Collector Office, Sivagangai.

2.The Food Safety Officer, FSO Code No.198, Kallal & Thiruppathur Block, Sivagangai District.

<https://www.mhc.tn.gov.in/judis/> SENTHILKUMAR RAMAMOORTHY, J.

sn/sji 29.09.2021 <https://www.mhc.tn.gov.in/judis/>