

Prasanna E.V vs State Of Kerala Represented By ... on 17 January, 2024

Author: Devan Ramachandran

Bench: Devan Ramachandran

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Wednesday, the 17th day of January 2024 / 27th Pousha, 1945
WP(C) NO. 19941 OF 2023

PETITIONER:

PRASANNA E.V., AGED 53 YEARS, W/O. LATE NARAYANAN, RESIDING AT
'PADMAM", MATTALAYI, P.O. CHERUVATHUR, KASARAGOD DISTRICT, PIN -
671313.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF HEALTH AND
FAMILY WELFARE, GOVERNMENT SECRETARIATE, THIRUVANATHAPURAM, PIN -
695036

AND 7 OTHERS.

Writ petition (civil) praying inter alia that in the circumstances
stated in the affidavit filed along with the WP(C) the High Court be
pleased to issue interim direction to the respondents No. 2 to 4 to submit
an interim report as to the measures and steps taken for implementation of
the Food Safety and Standards Act, 2006 and Regulation 2011, in the
interest of justice.

This petition again coming on for orders upon perusing the petition
and the affidavit filed in support of WP(C) and this Court's order dated
08.01.2024 and upon hearing the arguments of M/S S.S.ARAVIND,
M.V.AMARESAN, PREMANAND E. and KARTHIK.V., Advocates for the
petitioner, SRI.GRASHIOUS KURIAKOSE, ADDITIONAL DIRECTOR GENERAL OF
PROSECUTION along with SRI.RAJEEV JYOTHISH GEORGE, GOVERNMENT PLEADER for
R1 to R4 and R6, SRI.M.SASINDRAN, Advocate for R5, M/S T.MADHU,
C.R.SARADAMANI, RENJISH S. MENON, VRINDA T.S. and AISWARYA JAYAPAL,
Advocates for R7 and R8, the court passed the following:

p.t.o

DEVAN RAMACHANDRAN, J.

WP(C) No.19941/2023 & 43260/2023

Dated this the 17th day of January, 2024

O R D E R

Sri.Jaffer Malik I.A.S., who is holding charge as the Food Safety Commissioner, appeared today and briefed this Court about the various steps taken by the Department to avert food poisoning, particularly of the food article by name 'shawarma'. He explained that 'special drives' in all eateries were conducted in Trivandrum, Ernakulam, Calicut and various other places, to a number of over 450 inspections; and that several instances of violations were found, leading to fines being imposed. He further submitted that awareness classes are now being conducted for all the stakeholders and that no incident of food poisoning have been reported in the State of Kerala in the past few months, even during the Christmas and New Year seasons, when the consumption of such articles were at the highest. WP(C)19941/23 & 43260/23

2. If the afore submissions of Sri.Jaffer Malik are true, then certainly it is a commendable effort by the Department and its officers. However, we cannot stop because the war is yet to be won.

3. As has been earlier indited by this Court, one of the main reasons why the food articles in question become poisonous is because those are not consumed within the time frames it is intended for. The prescription of this Court - that there should be a marking on the article specifying the time, within which it must be consumed - is certainly very vital. I can only assume, at this point, that adherence to this perhaps averted other instances, coupled by the efforts taken by the officers.

4. The number of eateries in Kerala is very large, which fact can be taken judicial notice of. Therefore, inspections have to be done consistently and without fail, because any relaxation would give an impression to the manufacturers that action would be lax.

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5. Since the Food Safety Commissioner in Charge submits that inspections will be continued and violators dealt with, to the highest warrant in law, I am of the view that this Court will be justified in adjourning this matter for further reports.

6. That apart, in one of the afore Writ Petitions, there is also a prayer for compensation, which will also depend upon the pleadings to be made by the respondents and the submissions to be made on their behalf.

I, therefore, adjourn these matters to be called on 12.02.2024; within which time, all pleadings shall be completed.

Sd/-

DEVAN RAMACHANDRAN, RR JUDGE 17-01-2024 /True Copy/ Assistant Registrar