

Prasanna E.V vs State Of Kerala Represented By ... on 8 November, 2023

Author: Devan Ramachandran

Bench: Devan Ramachandran

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Wednesday, the 8th day of November 2023 / 17th Karthika, 1945
WP(C) NO. 19941 OF 2023

PETITIONER:

PRASANNA E.V., W/O. LATE NARAYANAN, AGED 53 YEARS, 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.
2. FOOD SAFETY COMMISSIONER, OFFICE OF COMMISSIONER OF FOOD SAFETY, THYCAUD, THIRUVANATHAPURAM, PIN - 695014.
3. ASSISTANT COMMISSIONER OF FOOD SAFETY, OFFICE OF THE ASSISTANT COMMISSIONER OF FOOD SAFETY, COLLECTORATE 'F' QUARTER, VIDYA NAGAR, KASARAGOD, PIN - 671123.
4. FOOD SAFETY OFFICER, THRIKARIPUR CIRCLE, NEAR VILLAGE OFFICE, NEELESWARAM, KASARAGOD, PIN - 671314.
5. CHERUVATHUR GRAMA PANCHAYAT, REPRESENTED BY SECRETARY, GRAMA PANCHAYAT OFFICE, CHERUVATHUR P.O., KASARGOD, PIN - 671313.
6. HEALTH INSPECTOR, CHC CHERUVATHUR, V.V. SMARAKA COMMUNITY HEALTH CENTRE, CHERUVATHUR, KASARGODE, PIN - 671313.
7. MULLOLI ANEXGAR @ ANEXGAR, AGED 59 YEARS, S/O. LATE MULLOLI MOYI, SAHAYA, 1ST KOLLYA, KOTTEKKAR P.O., ULLAL, MANGALAPURAM, KARNATAKA DISTRICT, PIN - 575022.
8. AHAMED.T., AGED 46 YEARS, S/O. ABDUL RAZAK, BISMILLAH HOUSE, OTTAPADAVU, BHEEMANADI VILLAGE, NOW RESIDING AT NEAR RAHMANIYA MADRASSA, PADANNA VILLAGE, KASARAGOD DISTRICT, PIN - 671312.

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 upon hearing the arguments of M/S S.S.ARAVIND, M.V.AMARESAN, PREMANAND E. and KARTHIK.V., Advocates for the petitioner, 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., AISWARYA JAYAPAL, Advocates for R7 and R8, the court passed the following:

p.t.o

DEVAN RAMACHANDRAN, J.

=====

W.P.(C).No. 19941 of 2023

=====

Dated this the 8th day of November, 2023

ORDER

Sri.Grashious Kuriakose - learned Additional Director General of Prosecution, instructed by the learned Government Pleader for the State of Kerala and its functionaries, submitted that, to his information, there are no guidelines for parameters with respect to the food item called "Shawarma". He added that most of the accidents that have been recently reported with respect to the consumption of this food appear to be on account of complications raising from the delayed use of a food raw material called "Mayonnaise". He added that, for this perhaps, the competent Authority of the Food Safety and Standards Authority of India (FSSAI), may have to be brought on record.

2. Before this Court can take a decision on these aspects, certainly, am of the view that the Food Safety Commissioner must explain what steps have been taken, particularly with respect to the food item in question. Though unsubstantiated yet, fatal food poisoning incidents occurring on account of this article appear to be on the rise. Unfortunately, the aficionados of this food are the younger generation most of the time; and as is reflected in this case, the child who unfortunately died of food poisoning was only 16 years in age.

3. In the afore circumstances, I direct the Food Safety Commissioner to appear online on 14.11.2023 at 1.45 p.m., for an interaction, particularly as to what can be done to avert such instances, at least in future.

4. As regards the claim of compensation by the petitioner, the matter will be considered in due course. H/o.

Sd/-

DEVAN RAMACHANDRAN JUDGE anm 08-11-2023 /True Copy/ Assistant Registrar