

Suriya Gandhi Sago Factory vs Food Safety And Standards Authority Of ... on 2 December, 2021

Author: Krishnan Ramasamy

Bench: Krishnan Ramasamy

W.P.No.19359

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.19359 of 2017

and

W.M.P.Nos.20859 & 20860 of 2017

Suriya Gandhi Sago Factory,
Rep. by its Proprietor K.Neelamegam,
Sellappampatty Post,
Namakkal Taluk and District.

...Petiti

Vs

1. Food Safety and Standards Authority of India,
[Ministry of Health and Family Welfare],
FDA Bhavan, Kotla Road,
New Delhi – 110 002.
2. Commissioner of Food Safety,
No.359, Anna Salai, V Floor,
DMS Office Building, DMS Campus,
Teynampet, Chennai – 600 006.
3. Designated Officer,
Food Safety and Drug Administration Department,
Salem District.

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4. Designated Officer,
Food Safety and Drug Administration Department,
Namakkal District.

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari and Mandamus calling for records relating to the proceedings in order No.5193/2015/S6/FSSA dated 14.09.2015 on the file of the 2nd respondent herein and quash the same and consequently direct the respondents herein not to impose ban or any other restrictions in contravention of the provisions of the Food Safety and Standards Act, 2006 against the right of the petitioner herein to procure and transport its raw material Wet tapioca Starch for manufacturing Sago.

For Petitioner : M/S.V.R.Rajasekaran

For Respondents : Mr.M.Shahjahan
Special Government Pleader

O R D E R

The prayer in this Writ Petition is for issuance of a Writ of Certiorari and Mandamus to call for the entire records, relating to the proceedings in order No.5193/2015/S6/FSSA dated 14.09.2015 on the file of the 2nd respondent herein and quash the same and consequently direct the respondents herein not to impose ban or any other restrictions in contravention of the provisions of the Food Safety and Standards Act, 2006 against the right of the petitioner herein to procure and transport its raw material, Wet tapioca Starch for manufacturing Sago.

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Food Safety and Standards Act, 2006 against the right of the petitioner herein to procure and transport its raw material, Wet tapioca Starch for manufacturing Sago.

2. When the matter is taken up for hearing, none appeared for the petitioner. This Writ Petition was filed to quash the impugned proceedings dated 14.09.2015, in and by which, the 2nd respondent imposed the ban on the sale of Wet Starch for the manufacture of SAGO.

3. Mr.M.Shahjahan, learned Special Government Pleader for the respondents produced a copy of the letter dated 02.06.2017 issued by the office of the Commissioner of Food Safety and Drug Administration, Salem, the Designated officers of Salem, Namakkal, Dharmapuri, Erode, Tiruchengode, Viluppuram and Perambalur Districts are informed that the ban order on sale of wet starch of the manufacture of sago vide R.No.5193/2015/8 dated 14.09.2015 does not continue.

4. Therefore, the learned Special Government Pleader for the respondents submit that the prayer sought for in this writ petition become infructuous and hence, prayed for dismissal of this writ petition.
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5. Accordingly, the submission of the learned Special Government Pleader is recorded along with the clarification letter dated 02.06.2017 issued by the office of the Commissioner of Food Safety and Drug Administration, Salem.

6. By virtue of proceedings dated 02.06.2017, the earlier order on wet starch does not continue, this Court directs the respondents to issue any blanket order without any authority in future, however, in case of violation on the part of the manufacturers as regards the standards given by the Food safety and Standards Authority in the draft Notification, the respondents are at liberty to take appropriate action against them provided the relevant Act, empowers them. This would apply to all similar industries.

7. In view of the above, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Speaking Order/Non speaking order

sp/jd

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W.P.No.19359

To

1. Food Safety and Standards Authority of India,
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Food Safety and Drug Administration Department,
Namakkal District.

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Krishnan Ramasamy , J.

sp/jd 02.12.2021 <https://www.mhc.tn.gov.in/judis> To be added:-

Though they have issued notification not to issue any tender order based on the notification, dated 2015, they have issued the tender order. This Court directs the respondent not to issue any blanket order, in the event, there is any violation on the part of the respondents, they are at liberty to take take action that would also apply to all industry.

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