

Anbukkarasi vs The Designated Officer on 28 March, 2023

Author: M.Dhandapani

Bench: M.Dhandapani

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9293 of 2023

Anbukkarasi

...Petitioner

Vs.

1. The Designated Officer, (Food Safety and Standards),
Deputy Director of Health Services,
Saidapet Campus, No.33, West Jones Road,
Saidapet, Chennai-600 015.

2. The Designated Officer, (Food Safety and Standards),
Deputy Director of Health Services Office Campus,
No.54/5, Asoori Street, Thiruvallur,
Thiruvallur District-602 001.

3. S.Sadiq

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation dated 28.01.2023 given by the petitioner and to conduct inspection and to take action against the second respondent.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.K.M.D.Muhilan, AGP, for R1 & R2

1/6

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

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 28.01.2023, conduct inspection and take appropriate action against the third respondent.

2. Mr.K.M.D.Muhilan, learned Additional Government Pleader takes notice for the 1st and 2nd respondents. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

4. The case of the petitioner is that the 3rd respondent is running a Biriyani and fast food shop in the name and style of "Ameen Special Biriyani" from April 2022 in the petitioner's premises. Though there is no <https://www.mhc.tn.gov.in/judis> tenancy dispute in between the petitioner and the 3rd respondent and though the 3rd respondent is paying the monthly rent without any default, however, the 3rd respondent is making Biriyani and other foods by using cheap and unhygienic waste meat, which will cause serious health hazard. Therefore, the petitioner made a representation dated 28.01.2023 before the 1st & 2nd respondents seeking to conduct inspection and to consequently take action against the 3rd respondent, however, till date, no orders have been passed on the said representation. Hence this petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st & 2nd respondents to consider the petitioner's representation dated 28.01.2023, conduct inspection and to consequently take appropriate action against the 3rd respondent.

6. Learned Additional Government Pleader appearing for the official respondents submitted that, pursuant to the representation made by the petitioner, already inspection was conducted on 11.03.2023 and notice under Section 55 of the Food Safety and Standards Act, 2006 was issued <https://www.mhc.tn.gov.in/judis> against the 3rd respondent. Therefore, no orders are required to be passed in the petitioner's representation.

7. In view of the above submission made by the learned Additional Government Pleader, this Court is of the view that, no further order is necessary in this Writ petition. The 1st and 2nd respondents are directed to conclude the proceedings, pursuant to the notice issued under Section 55 of the Food Safety and Standards Act, 2006 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this Writ petition stands closed. No costs.

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Designated Officer, (Food Safety and Standards), Deputy Director of Health Services, Saidapet Campus, No.33, West Jones Road, <https://www.mhc.tn.gov.in/judis> Saidapet, Chennai-600 015.

2. The Designated Officer, (Food Safety and Standards), Deputy Director of Health Services Office Campus, No.54/5, Asoori Street, Thiruvallur, Thiruvallur District-602 001.

M.DHANDAPANI., J.

skt <https://www.mhc.tn.gov.in/judis> 28.03.2023 <https://www.mhc.tn.gov.in/judis>