

Sri Balamurugan Sago Industries vs Food Safety And Standards Authority Of ... on 3 January, 2022

Author: Krishnan Ramasamy

Bench: Krishnan Ramasamy

W.P.No.16

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.16126 of 2018
and W.M.P.No.19158 of 2018

Sri Balamurugan Sago Industries
Rep.by its Managing Partner N.Kanagaraj,
No.35/5, Main Road, Namagiripet,
Rasipuram Taluk, Namakkal District.

... Petition

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

... Respond

PRAYER : Petition filed Under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, to direct the 2nd respondent to

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

W.P.N

consider the Appeal dated 18.06.2018 with Petition for Stay filed by the petitioner herein under Section 32 (4) (a) of the Food Safety and Standards Act, 2006 challenging the improvement Notice issued by the 3rd respondent herein in his proceedings in Na.Ka.No.826/A1/FSS ACT/2014-18 dated 04.05.2018 on merits and pass orders in accordance with law and direct the respondents 3 and 4 herein to ensure impartiality and transparency in implementing the Food Safety and Standards Act and consciously refrain from doing any act which would facilitate monopoly in Sago manufacturing industry and give room for manipulation of Sago market in favour of a few individuals.

For Petitioner	: Mr.V.R.Rajasekaran
For Respondents	: Mr.M.Shahjahan Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent herein to consider the Appeal dated 18.06.2018 with Petition for Stay filed by the petitioner herein under Section 32 (4) (a) of the Food Safety and Standards Act, 2006 challenging the improvement Notice issued by the 3rd respondent herein in his proceedings in Na.Ka.No.826/A1/FSS ACT/2014-18 dated 04.05.2018 on merits and pass orders in accordance with law and direct the respondents 3 and 4 herein to <https://www.mhc.tn.gov.in/judis> ensure impartiality and transparency in implementing the Food Safety and Standards Act and consciously refrain from doing any act which would facilitate monopoly in Sago manufacturing industry and give room for manipulation of Sago market in favour of a few individuals.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the said Appeal dated 18.06.2018 was disposed of. However, he submits that the 3rd and 4th respondents are acting impartiality against the petitioner / Sri Balamurugan Sago Industries. Therefore, the learned counsel for the petitioner seeks appropriate instructions for the respondents to ensure impartiality and transparency in implementing the Food Safety and Standards Act.

3. On the other hand, the learned Special Government Pleader appearing for the respondents would submit that all the officers are acting impartiality and there is no truth in the submissions made by the petitioner. Further he submits that the Appeal was also disposed of.

4. In view of the submissions made by the learned counsel appearing <https://www.mhc.tn.gov.in/judis> for the petitioner and the learned Special Government Pleader appearing for the respondents, it is clear that the first limb of the prayer itself has become infructuous and as far as the second limb is concerned, as contended by the petitioner, the respondents supposed to act impartially with all the persons to whom they have approached him.

5. In such view of the matter, I do not find any merit in the present Writ Petition and to issue any direction for the apprehension of the petitioner that the third and fourth respondents have to act

impartially to the petitioner.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2022 Pns Index : Yes / No Internet : Yes / No Speaking/Non-Speaking order To
<https://www.mhc.tn.gov.in/judis>

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, Namakkal District.

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

KRISHNAN RAMASAMY, J.

<https://www.mhc.tn.gov.in/judis> Pns 03.01.2022 <https://www.mhc.tn.gov.in/judis>