

Nebu Thomas Cherian, Proprietor Anna ... vs State Of Kerala on 11 September, 2024

Author: Devan Ramachandran

Bench: Devan Ramachandran

WP(C) No.25246/2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 11th day of September 2024 / 20th Bhadra, 1946

WP(C) NO. 25246 OF 2023(E)

PETITIONER:

NEBU THOMAS CHERIAN, PROPRIETOR ANNA POLYMERS AGED 48 YEARS 18
INDUSTRIAL ESTATE KOLLA KADAVU, S/O K.A CHERIAN, KALLIMEL ,MAVELIKARA
ALAPUZHA, PIN - 690570

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY SECRETARY, THE DEPARTMENT OF HEALTH AND FAMILY WELFARE, FXX2+7FH, GOVERNMENT SECRETARIAT, ANNEXE, 2, THIRUVANANTHAPURAM, PIN - 695001
2. THE COMMISSIONER OF FOOD SAFETY OFFICE OF THE COFS, THYCAUD P.O , THIRUVANANTHAPURAM, PIN - 695014
3. THE DIRECTOR OF HEALTH DEPARTMENT GW2V+2H6, PALAYAM- AIRPORT ROAD, NEAR GENERAL HOSPITAL ROAD, JUNCTION, THIRUVANANTHAPURAM, KERALA, PIN - 695035
4. THE REGIONAL DIRECTOR (FOR THE STATE OF KERALA) FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, (FSSAI), CENTRAL DOCUMENTATION COMPLEX, SOUTH WING, RAJAJI SALAI, CHENNAI, PIN - 600001
5. ADDL.R5.KERALA BIO-DEGRADABLE PAPER PRODUCTS MANUFACTURERS ASSOCIATION 67/11893, MARKET STALL ASSN. BASIN ROAD, NEAR ST. THOMAS CHURCH, COCHIN REPRESENTED BY ITS PRESIDENT, ABDUL NAZAR * IS IMPEADED AS ADDITIONAL R5 AS PER ORDER DATED 01.03.2024 IN I.A.01/2024 IN WP(C) 25246/2023.

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 pass an interim order directing the State of Kerala to hold consultations and hearings with the petitioner and other stakeholders who may be affected or interested in matters related to food safety and packaging regulations, including the Food Safety and Standards (Packaging) Regulations, 2018, and based on such consultations, to pass a Government Order in consonance with the Food safety and Standards Act, 2006, and to strictly adhere to the need for compliance with approved food-grade packaging materials as prescribed by the Food Safety and Standards

(Packaging) Regulations, 2018, pending disposal of Writ Petition.

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 10.11.2023 and upon hearing the arguments of M/S.SNEHA M.S., G.HARIHARAN, PRAVEEN.H., K.S.SMITHA, T.T.SHANIBA & AMAL DEV D Advocates for the petitioners, GOVERNMENT PLEADER, ADDL. DIRECTOR GENERAL OF PROSECUTION for respondents 1 and 3, SMT.CHITHRA P GEORGE, STANDING COUNSEL for respondent 4 and of SMT.ANITHA MATHAI MUTHIRENTHY, Advocate for Addl.respondent 5, the court passed the following:

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ORDER

This matter has been marked as part-heard only because all which remains is delivery of judgment. I have been incapacitated only because Sri.Gracious Kuriakose Addl.Director General of Prosecution, informed me that the Government is in the process of having final guidelines.

Today Government Pleader seeks two more weeks time.

Post after three weeks.

Sd/- DEVAN RAMACHANDRAN, JUDGE 11-09-2024 /True Copy/ Assistant Registrar