

# The Food Safety Officer vs R.Chandramohan on 27 February, 2024

**Author: V.Bhavani Subbaroyan**

**Bench: V.Bhavani Subbaroyan**

W.A. (MD) No. 13

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN  
AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.1318 of 2016

and

C.M.P(MD)No.9367 of 2016

1.The Food Safety Officer,  
Vikaramasingapuram,  
Tirunelveli District.

2.The Designated Authority,  
Tamil Nadu Food Safety and  
Drug Administration Department,  
Medical College Campus,  
Tirunelveli District.

: Appellants/Respondents 1

Vs.

1.R.Chandramohan

: Respondent/Petitioner

2.The Adjudicating Authority,  
The District Revenue Officer,  
Tirunelveli District.

: 2nd Respondent/2nd Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set as order dated 22.07.2016 passed in W.P.(MD) No.19499 of 2014.

For Appellants	: Mr.M.Prakash Addl. Govt. Pleader
For Respondents	: Mr.M.Rajaraman for R1 No appearance for R2

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#### JUDGMENT

(Judgment of the Court was delivered by K.K.RAMAKRISHNAN, J.) The Food Safety Officer and the Designated Authority, Tamil Nadu Food Safety and Drug Administration Department have filed the present writ appeal challenging the order of the Writ Court dated 22.07.2016 made in W.P(MD)No.19499 of 2014, which was filed by the first respondent herein.

2. The first respondent/writ petitioner is running business in the name of the 'Shanmugha Gingelly Oil'. According to the appellants, the first respondent/writ petitioner supplied the gingelly oil by misbranding the edible gingelly oil. Such misbranding was found out by the authorities during the inspection held on 19.03.2013. According to the appellants, after following the procedures stated in the Food Safety and Standard Rules and Regulations, they have taken samples and found that there was some misbranding and violation of the Food and Safety Regulations. Thereafter, the appellants initiated the proceedings under the Food Safety and Standards Act. Thereafter, the <https://www.mhc.tn.gov.in/judis> appellants have issued the impugned order dated 10.10.2014, wherein, they imposed penalty of Rs.3,00,000/- on the first respondent/writ petitioner. Challenging the same, the first respondent/writ petitioner has filed the writ petition.

3. In the said writ petition, the appellants filed their counter, wherein they have stated that in the petitioner's product, there was some misbranding. They have further stated that the non-edible oil was sold as edible oil and hence, they correctly imposed the penalty on the first respondent/writ petitioner.

4. The Writ Court without considering the relevant rules simply allowed the writ petition. The Writ Court further stated that there was no supply of the sample and the report of analysis. The Writ Court rejected the decisions cited on the side of the prosecution as not applicable, however, relied on the Judgments of the Honourable Supreme Court cited by the writ petitioner. However, the same are not applicable to the writ petitioner to challenge the penalty imposed in this case.

5. Even as per the label, it is apparent that there is a misbranding. The label itself shows that “c&z;Kfh ey;byz;bza;” but at the bottom, <https://www.mhc.tn.gov.in/judis> they have stated non-edible oil, which shows the intention of the first respondent/writ petitioner to mislead the public to believe that this oil is for human consumption. Hence, the authorities correctly imposed the penalty of Rs.3,00,000/-. Further, before imposing the penalty, adequate opportunity was given to participate in the enquiry and the first respondent/writ petitioner has also submitted his explanation and the appellants have correctly considered the same on this aspect. However, the Writ

Court without considering the contention of the appellants, has allowed the writ petition, which according to us, is not in accordance with law. Hence, we are inclined to allow the writ appeal.

6. In the result, this Writ Appeal is allowed and the order passed by the Writ Court in W.P(MD)No.19499 of 2014 is set aside. The first respondent/writ petitioner is directed to comply with the condition imposed in the impugned order. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.]

skn  
NCC : Yes / No  
Index : Yes / No  
Internet : Yes

27.02.202

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

V.BHAVANI SUBBAROYAN, J.  
and  
K.K.RAMAKRISHNAN, J.

skn/sbn

and

27.02.2024.

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