

M/S.Venkatrayar Sago Factory vs The Chairman on 7 March, 2023

Author: S.M.Subramaniam

Bench: S.M.Subramaniam

W.P.No.232

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.23212 of 2014
and
Review Application No.267 of 2014

M/s.Venkatrayar Sago Factory,
Rep. by its Managing Partner V.Dinesh Kumar,
S.F.272/4A, Velampalayam Road,
Kakkaveri,
Rasipuram Taluk,
Namakkal District-637 408

...Petition

-Vs-

1. The Chairman,
The Food Safety and Standards Authority of India,
FDA Bhavan,
Next to Rashtriya Bal Bhavan,
Kotla Road, New Delhi-110 002.
2. The Commissioner of Food Safety,
The Food Safety and Standards Authority of India,
DMS Building, Teynampet,
Chennai-6.
3. The Designated Officer,
The Food Safety and Standards Authority of India,
Namakkal.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd

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respondent not to take any action in violation of The Food Safety and Standards Act, 2006 and The Food Safety and Standards Regulations, 2010 and the Indian Standards Institutions (Certification Marks) Act, 2010 and direct the 1st respondent to issue appropriate directions to the 2nd and 3rd respondent to forbid from taking any action in an arbitrary manner and not to interfere with the peaceful pursuit of the petitioner's avocation.

For Petitioner : Ms.K.Priya

For Respondents :

(for R1) : No Appearance

(For R2 & R3) : Mr.T.Arun Kumar

ORDER

The writ petition is filed seeking direction to the 3rd respondent not to take any action in violation of The Food Safety and Standards Act, 2006, and The Food Safety and Standards Regulations, 2010, and the Indian Standards Institutions (Certification Marks) Act, and direct the 1st respondent to issue appropriate directions to the 2nd and 3rd respondent to forbid from taking any action in an arbitrary manner.

2.With reference to the relief sought in the writ petition, undoubtedly the authorities are not expected to act in an arbitrary manner. Equally, the authorities are duty bound to conduct inspections by following the procedures as contemplated under the Food Safety Act. Lawful entry, inspections and inquiry contemplated under the Food Safety Act cannot be interfered by the Courts. Authorities, on information or based on the complaints, are empowered to conduct inspections, inquiry etc., in order to maintain the food standards under the provisions of the Food Safety Act. Thus, the relief sought in general cannot be granted. If at all, any arbitrary action or corrupt activities of the officials are noticed, then the petitioner is at liberty to file a complaint before the competent authorities for initiation of action against the officials.

3.However, the inspections, inquiry etc. if any conducted by the authorities by following the procedures cannot be interfered with by the Courts and thus, the relief as such sought for in the writ petition is not entertainable. If at all, the petitioner has suffered from any corrupt activity or illegality or otherwise, then he is at liberty to file an appropriate complaint before the competent authorities for initiation of action against the concerned officials.

4.Accordingly, the Writ Petition stands disposed of. No costs. In view of the disposal of the writ petition, the Review Application also stands closed.

07.03.2023 Index:Yes Speaking order Neutral Citation:Yes sha To

1. The Chairman, The Food Safety and Standards Authority of India, FDA Bhavan, Next to Rashtriya Bal Bhavan, Kotla Road, New Delhi-110 002.
2. The Commissioner of Food Safety, The Food Safety and Standards Authority of India, DMS Building, Teynampet, Chennai-6.
3. The Designated Officer, The Food Safety and Standards Authority of India, Namakkal.

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