

# **S.N.K.Starch And Sago Factory vs Commissioner Of Industries And ... on 19 July, 2021**

**Author: R. Mahadevan**

**Bench: R.Mahadevan**

W.P.No.111

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 1118 of 2021

and

WMP. No. 1241 of 2021

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S.N.K.Starch and Sago Factory  
rep by its Proprietor N.Kandasamy,  
No.4/200, Manjini Main Road, Thulukkanur Village,  
Pudupettai Post – 636 141  
Attur Taluk, Salem District.

...Petitioner

Versus

1. Commissioner of Industries and Commerce/  
Registrar of Industrial Co-operative Societies,  
SIDCO Building, Guindy Industrial Estate,  
Gunidy, Chennai – 600 032.
2. Commissioner of Food Safety,  
No.359, Anna Salai, V Floor, DMS Office Building,  
DMS Campus, Teynampet, Chennai – 600 006.
3. Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Road, Guindy  
Chennai – 600 032.
4. Deputy Director of Industrial Health and Safety,  
No.7, SIPCOT Housing Complex,  
OPP Lakshmi Automatic Loom Works,  
SIPCOT, Hosur – 635 126.

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5. Designated Officer,  
Food Safety and Drug Administration,  
Salem District, Salem – 1
6. District Environmental Engineer,  
Tamil Nadu Pollution Control Board, Siva Towers,  
No.1/276, Meyyanur Main Road,  
Salem – 1.
7. District Collector,  
Salem District, Salem
8. SAGO SERVE rep by its Managing Director,  
Jagirammappalayam, Omalur Main Road,  
Salem – 2.
9. Attur Vattara Starch and Sago Urpathiyalargal Nala Sangam  
rep. By it's President S.Duraisamy,  
No.150, Kamarajar Road, Pudupet, Attur,  
Salem District.

...Responde

Writ Petition filed under Article 226 of the Constitution of I  
for issuance of a writ of Mandamus (i) directing the 1 st respondent  
conduct an enquiry in regard to overall functioning of the 8th respon  
in particular to prevent substitution of Sale bills for Sale of Sago  
directly to the traders in the open market at Salem by the manufactur  
regard to the pilferage of Sago from the Warehouses of the 8th respon  
herein due to improper handling and intentional damage of gunny bags  
containing sago (ii) forbearing the respondents 1 to 8 herein, their  
or men and agents from preventing the Sale of Sago by the Petitioner  
in other States or in open market and extorting money for sale of sag  
the 8th respondent herein and taking penal action against the Sago  
manufacturing industry of the Petitioner herein merely based on the c  
of the 9th respondent that the Petitioner herein failed to adhere to  
restrictions imposed by the 8th and 9th respondents herein in operati  
manufacturing Units and sale of Sago.

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|----------------|---|--|
| For Petitioner | : | Mr. Tranquebar Durai Vasu                  |
| For R1 to R7   | : | Mr. Stalin Abimanyu<br>Government Advocate |

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|--------|---|----------------------------|
| For R8 | : | Mr. L.P. Shanmuga Sundaram |
| For R9 | : | Mr. G. Murugendran         |

ORDER

According to the petitioner, the petitioner is carrying on business in manufacture of Starch and Sago from Tapioca tubers in the name of 'SNK Starch and Sago Industries'. During the course of their business, impracticable restrictions were arbitrarily imposed by the respondents 8 & 9. The petitioner has raised objection to such restrictions and made a representations dated 29.11.2020 and 30.11.2020 to the respondents 1 to 3, 5 & 6 requesting to take necessary action to ensure uninterrupted operation of his factory without any unlawful, high handed obstructions and threat from the respondents 8 & 9. According to the petitioner, the first respondent is the competent authority conduct a full fledged enquiry in regard to the mismanagement, pilferage of spilled sago, victimization of manufacturers raising genuine objections and other irregularities in issuing fabricated bills committed by the eight respondent in the interest and welfare of Starch and Sago industry operating in MSME Sector and the Agriculturist cultivating the tapioca roots for supply to the said Industries. However, the first respondent failed to take any action and therefore, the petitioner has no other option except to approach this Court with <http://www.judis.nic.in> in the present writ petition for the aforesaid relief.

2. Upon notice, a detailed counter affidavit was filed by the ninth respondent, wherein, it is inter alia stated that the present writ petition has been filed by the petitioner only with an intention to sell the chemical adulterated sago in the open market and to other State. According to the ninth respondent, the restrictions imposed are only intended to ensure quality and unadulterated Sago being sold in the market. It is the contention of the ninth respondent that only the 'Sago lots' which passes all the tests conducted by Sago serve alone are allowed for sale and those sago which do not pass the tests will be returned to the member-manufacturers. It is also stated that according to the provisions of the Food Safety and Standard Act, 2006, wet starch is not at all a raw material. It is only an intermediate product and not an end product, which cannot be directly consumed by the consumers. The ninth respondent also referred to the order dated 07.09.2015 passed by the Division Bench of this Court in WP No. 20124 of 2015 wherein certain guidelines have been issued with respect to process and sale of the sago. Therefore it is submitted that the petitioner has no right to restrain the respondents from carrying out inspection of the petitioner manufacturing unit to ascertain the quality of the products and the compliance of various manufacturing activities. The ninth respondent therefore prayed for dismissal of the writ petitions. <http://www.judis.nic.in>

3. The learned counsel for the petitioner submitted that the issue involved in this writ petition is covered by the order of a Division Bench of this Court dated 07.09.2015 in W.P.No.20124 of 2015 and hence, the case of the petitioner may be directed to be considered by the respondents in the light of the said decision.

4. On the other hand, the learned counsel appearing for the respondents fairly submitted that the respondent authorities would consider the representation of the petitioner and pass orders, on merits and also in the light of the aforesaid order cited on the side of the petitioner, within a reasonable time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs respondents to consider the representations of the petitioner dated 29.11.2020 and 30.11.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner in the light of the order passed by the Division Bench of this Court in W.P.No.20124 of 2015 dated 07.09.2015, within a period of six weeks from <http://www.judis.nic.in> the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No  
Internet : Yes/No

av/rsh

To

1. Commissioner of Industries and Commerce/ Registrar of Industrial Co-operative Societies, SIDCO Building, Guindy Industrial Estate, Guindy, Chennai – 600 032.

2. Commissioner of Food Safety, No.359, Anna Salai, V Floor, DMS Office Building, DMS Campus, Teynampet, Chennai – 600 006.

3. Chairman, Tamil Nadu Pollution Control Board, No.76, Mount Road, Guindy, Chennai – 32.

4. Deputy Director of Industrial Health and Safety, No.7, SIPCOT Housing Complex, OPP Lakshmi Automatic Loom Works, SIPCOT, Hosur – 635 126.

5. Designated Officer, Food Safety and Drug Administration, Salem District, Salem – 1

6. District Environmental Engineer, Tamil Nadu Pollution Control Board, Siva Towers, <http://www.judis.nic.in> No.1/276, Meyyanur Main Road, Salem – 1.

7. District Collector, Salem District, Salem

8. SAGO SERVE rep by its Managing Director, Jagirammalayam, Omalur Main Road, Salem – 2.

9. The President S.Duraisamy, Attur Vattara Starch and Sago Urpathiyalargal Nala Sangam No.150, Kamarajar Road, Pudupet, Attur, Salem District.

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