

# **Sri. Amman Sago Factory vs Food Safety And Standards Authority Of ... on 2 December, 2021**

**Author: Krishnan Ramasamy**

**Bench: Krishnan Ramasamy**

W.P.No.514 of

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.514 of 2018

and

W.M.P.No.610 of 2018

Sri. Amman Sago Factory,  
Rep. by its Proprietor Arunachalam,  
Karaikurichi, Karaikurichi Puthur Post,  
Namakkal Taluk and District.

...Petitioner

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,  
Salem District.

1/6

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

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

Prayer:

Writ Petition filed under Article 226 of the Constitution for issuance of Writ of Mandamus, directing the respondents herein to implement the proceedings in R.No.5193/2015/89/FSSA dated 02.06.2017 in the file of the 2nd respondent herein and thereby permit the petitioner to have free movement of Wet Tapioca Starch – raw material for manufacture of Tapioca Sago as per the Standards prescribed under the Food Safety and Standards Act, 2006.

For Petitioner : M/S.V.R.Rajasekaran, No appearance

For Respondents : Mr.M.Shahjahan  
Special Government Pleader  
\*\*\*\*\*

O R D E R

The prayer in this Writ Petition is for issuance of a writ of Mandamus to direct the respondents herein to implement the proceedings of the writ petition filed by the petitioner against the 2nd respondent, dated 02.06.2017, and thereby, to permit the petitioner to have free movement of Wet Tapioca Starch – raw material for manufacture of Tapioca Sago as per the Standards prescribed under the Food Safety and Standards Act, 2006.

2/6

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

Sago as per the Standards prescribed under the Food Safety and Standards Act, 2006.

2. When the matter is taken up for hearing, none appeared for the petitioner.

3. Mr.M.Shahjahan, the learned Special Government Pleader

for the respondents produced a copy of the letter, dated 02.06.2017, issued by the office of the Commissioner of Food Safety and Drug Administration, by which, the Designated Officers of Salem, Namakkal, Dharmapuri, Erode, Trichy, Viluppuram and Perambalur Districts are informed that the ban on the sale of wet starch of the manufacture of the respondents, vide R.No.5193/2015/86/FSSA dated 14.09.2015, does not continue. Therefore, the learned Special Government Pleader submits that the prayer sought for in the Writ Petition has become infructuous, and hence, prayed for dismissal of the Writ Petition.

3/6

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

4. The submission of the learned Special Government Pleader regarding the clarification, dated 02.06.2017 issued by the office of the Commissioner of Food Safety and Drug Administration are recorded.

5. Since, by virtue of proceedings dated 02.06.2017, issued by the office of the Commissioner of Food Safety and Drug Administration, the earlier blanket ban order on wet starch is lifted, this Court directs the respondents not to issue any blanket order without authority in future. However, it is directed that, if there is any violation on the part of the petitioner-Factories in the standards for Sago given by the Food safety and Standards Authority of India, draft Notification, the respondents are at liberty to take appropriate action against them, provided, if the relevant Act, empowers them to do so.

further made clear that, this order is applicable to all similar Fa  
are carrying on the business activities of manufacturing Sago.

4/6

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

6. The Writ Petition is disposed of on the aforesaid  
Consequently, connected miscellaneous petitions are closed.

Index: Yes/No  
Speaking Order/Non speaking order

sp/jd

To

1. Food Safety and Standards Authority of India,  
[Ministry of Health and Family Welfare],  
FDA Bhavan, Kotla Road,  
New Delhi – 110 002.
2. The Commissioner of Food Safety,  
No.359, Anna Salai, V Floor,  
DMS Office Building, DMS Campus,  
Teynampet, Chennai – 600 006.
3. The Designated Officer,  
Food Safety and Drug Administration Department,  
Salem District.
4. The Designated Officer,  
Food Safety and Drug Administration Department,  
Namakkal District.

5/6

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

W.P.No.514 of 2018

Krishnan Ramasamy , J.

sp/jd 02.12.2021 <https://www.mhc.tn.gov.in/judis>