

Lalan Kumar Jha S/O Sri Ram Kumar Jha vs The State Of Jharkhand on 2 December, 2021

Author: Sujit Narayan Prasad

Bench: Sujit Narayan Prasad

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 7390 of 2013

1. Lalan Kumar Jha s/o Sri Ram Kumar Jha
2. Sunil Kumar Agarwal s/o Ashok Agarwal
3. Sanjay Kuamr S/o Shri R.P. Choudhary
4. Vijay Kumar Sharma s/o Sri Haridwar Sharma

.....

Petitioners

Versus

1. The State of Jharkhand.
2. Dy. Commissioner, Ranchi.
3. Food Safety Officer, G.P.O. Ranchi, P.S. Kotwali, Ranchi.
4. District Food Supply Officer-cum-Additional Chief Medical Officer-I, G.P.O. Ranchi, P.S. Kotwali, Ranchi.
5. Guru Products having its office at Kilburn colony Hinoo through its proprietor Shambhu @ Sushanto Indu

.....

Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners : Mr. Manoj Prasad, Advocate For the Respondents : Mr. Mukul Kumar Singh, A.C to G.P-III

nd 5/Dated: 02 December, 2021 Heard learned counsel for the parties. This writ petition under Article 226 of the Constitution of India has been filed for quashing of the order dated 18.11.2013 issued under the signature of Dy. Commissioner-cum-Adjudicating Officer under Food Safety and Standard Act, 2006.

A preliminary objection has been raised by the learned counsel appearing for the State about maintainability of the writ petition on the ground of availability of alternative remedy which has not been examined that the Tribunal has already been created and power to act as appellate forum has already been formed and vested upon Additional Judicial Commissioner within the Judgeship of Ranchi district.

Considering the aforesaid submission as also the fact about the involvement of factual dispute, this Court is not inclined to pursue the matter on the ground of alternative remedy.

In view thereof, the writ petition is dismissed on the ground of maintainability of the writ petition.

Liberty is granted to the petitioner to approach before the Tribunal, if he so wishes.

(Sujit Narayan Prasad, J.) Saket/-