

Mohd.Ishtiyag vs State Of U.P.Thru.Prin.Secy.Food ... on 11 February, 2021

Bench: Ritu Raj Awasthi, Manish Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 1

Case :- MISC. BENCH No. - 4396 of 2021

Petitioner :- Mohd.Ishtiyag

Respondent :- State Of U.P.Thru.Prin.Secy.Food Safety/Drug Admin.Lko.&Ors.

Counsel for Petitioner :- Ashok Kumar Singh,Vinod Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Ritu Raj Awasthi,J.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner as well as learned Standing counsel who has accepted notices on behalf of opposite parties' no.1 to 3.

The instant writ petition has been filed seeking the following relief:

"(i) Issue a writ order or direction in the nature of Mandamus commanding the opposite party direct to issue licenses to petitioner for selling buffalo meat with immediate effect.

(ii) Issue a writ, pleased to direct the opposite parties not to create my hindrance or not to restrict the petitioner from peacefully carrying out their business of selling buffalo meat till the disposal of the aforesaid application which is pending for grant of

license.

(iii) Issue any other writ, order or direction, which this Hon'ble Court may deem, fit just and proper under the circumstances of the case in favour of the petitioner.

(iv) Award the cost of the petition in favour of the petitioner."

Learned counsel for petitioner submits that the petitioner has applied for grant of license for selling buffalo meat and has completed the formalities as required under section 31 of the Food Safety and Standards Act, 2006. However, the Designated Officer, Barabanki under the Food Safety and Standards Act, 2006 is not taking any decision and the application of the petitioner is pending since 17.12.2019.

Learned Standing counsel appearing for opposite parties submits that it will have to be verified as to whether the petitioner has completed the required formality for the grant of said license and whether he is eligible for the same or not.

Be that as it may, the writ petition is disposed of at this stage with the observation that in case the petitioner is eligible for the grant of license for selling buffalo meat under the relevant Act and laws and has completed the required formality for the grant of license, the concerned competent authority, may be the designated officer under the Food Safety and Standards Act, 2006 may consider the same and take appropriate decision in accordance with law expeditiously without undue delay.

With the aforesaid observations, the writ petition is disposed of.

Order Date :- 11.2.2021 Subodh/-