

Deshraj Anuragi vs The State Of Madhya Pradesh on 11 October, 2022

Author: Vivek Agarwal

Bench: Vivek Agarwal

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VIVEK AGAR
ON THE 11th OF OCTOBER, 20

MISC. PETITION No. 4483 of 20

BETWEEN: -

1. DESHRAJ ANURAGI S/O SHRI RAMKISHAN ANURAGI, AGED ABOUT 30 YEARS, OCCUPATION: DRIVER R/O BEHIND OF GIRLS HIGHER SECONDARY SCHOOL WARD NO. 09 NOWGAON DISTRICT CHHATARPUR (MADHYA PRADESH)
2. RAMKISHAN VERMA S/O SHRI JUGGA VERMA, AGED ABOUT 58 YEARS, OCCUPATION: BUSINESS R/O BEHIND OF GIRLS HIGHER SECONDARY SCHOOL WARD NO. 09 NOWGAON DISTRICT CHHATARPUR (M.P.) (MADHYA PRADESH)

(NONE PRESENT)

AND

THE STATE OF MADHYA PRADESH THROUGH
S.K TIWARI FOOD SAFETY OFFICER FOOD AND
DRUG ADMINISTRATION DEPARTMENT
DISTRICT CHHATARPUR (M.P.) (MADHYA
PRADESH)

(NONE PRESENT)

This petition coming on for admission this
following:

ORDER

This Miscellaneous Petition is filed under Article 227 of the Constitution of India, being aggrieved of order dated 25.04.2017 (Annx.P/3), passed in Case No.11/B-121/Food Safety/15-16, by Food Safety

Officer, Food & Drug Administration Department, Chhatarpur, District Chhatarpur (M.P.).

2. There is office objection as to the maintainability of this Misc. Petition and it is mentioned by the office in its note that as per provisions contained in Section 71(6) of the Food Safety and Standards Act, 2006 (hereinafter referred to as the 'Act' for short), any person aggrieved by any decision or order of the Tribunal, may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Tribunal to him, or on any question of fact or law arising out of such order.

3. A perusal of the memo of petition reveals that petitioner in fact challenged orders passed by the learned Addl. Collector and Competent Authority dated 25.04.2017 before the Food Safety Appellate Tribunal constituted under Section 70 of the Act.

4. The Tribunal vide order dated 09.09.2022, affirmed the orders passed by the Competent Authority. Against this order, appeal to High Court is provided under the provisions contained in Section 71(6) of the Act, which reads as under :-

"(6). Any person aggrieved by any decision or order of the Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Tribunal to him on any question of fact or law arising out of such order."

5. Thus, it is evident that petitioners have a statutory alternative remedy of filing appeal under the provisions contained in Section 71(6) of the Act within sixty days of the order passed by the Tribunal consisting of the Principal District Judge and the Presiding Officer of the Food Safety Tribunal and, therefore, this Misc. Petition is not maintainable.

6. Accordingly, this Misc. Petition is dismissed. However, office is directed that in case petitioners/their counsel approach the Registry, then the same may be returned copy of order dated 09.09.2022 (Annx.P/4), on it being substituted with a photocopy so that if so advised, petitioners may avail remedy of appeal, as provided under the law.

7. In above terms, Misc. Petition is disposed of.

(VIVEK AGARWAL) JUDGE A.Praj.