

Jeevan Patidar vs The State Of Madhya Pradesh on 4 January, 2022

Author: Pranay Verma

Bench: Pranay Verma

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WP-28526-2021

The High Court Of Madhya Pradesh

WP No. 28526 of 2021

(JEEVAN PATIDAR Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Indore, Dated : 04-01-2022

Shri Aditya Choudhary, learned counsel for the petitioner.

Shri Rakesh Singh Bhadoria, learned counsel for the respondent/State.

Heard on the question of admission and interim relief.

01. By this petition preferred under Article 226 of the Constitution of India, the petitioner has challenged the order dated 09.12.2021 passed by the Tehsildar, Tehsil Agar, District- Agar Malwa, whereby he has directed the petitioner to deposit a sum of Rs.50,000/-.

02. It appears that an order has been passed on 28.09.2021 by the Additional District Magistrate, District-Agar, Malwa under the provisions of Section 68 of Food Safety and Standards Act, 2006 imposing penalty of Rs.50,000/- upon the petitioner. For the enforcement of this order the impugned notice Annexure P/1 has been issued by the Tehsildar.

03. Counsel for the petitioner submits that against order dated 28.09.2021, the petitioner has preferred an appeal before the District Court on 20.12.2021 along with an application for stay of the order. It is submitted that the stay application of the petitioner is pending and has not been decided till now, as a result of which recovery proceedings have been initiated by the Tehsildar.

04. It is seen that proceedings which have been initiated by the Tehsildar are in compliance of order dated 28.09.2021. There are not original proceedings. The order dated 28.09.2021, as submitted, has already been challenged by the petitioner by preferring an appeal along with an application for stay of the order. Thus, in my opinion there is no need to interfere in the matter at the present stage.

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05. However, it is directed that in case an application for stay has been filed by the petitioner along with his appeal preferred by him against order dated 28.09.2021, then the same shall be adverted to and decided by the Appellate Authority within a period of three weeks from the date of receipt of certified copy of this order.

o6. With the aforesaid, without expressing any opinion on merits, the petition stands disposed off.

(PRANAY VERMA) JUDGE jyoti