

Ajaaj vs State Of U.P. And 3 Others on 27 July, 2023

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:150375-DB

Court No. - 40

Case :- WRIT - C No. - 24653 of 2023

Petitioner :- Ajaaj

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sarvajeet Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Mr. Sarvajeet Singh, learned counsel for the petitioner, Mr. Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. By means of the instant writ petition, petitioner has prayed for following reliefs:-

(i) Issue a writ, order or direction in the nature of certiorari quashing impugned order dated 05.11.2020 passed by Additional District Magistrate Administration Mandal Bareilly District- Budaun in Case No.01544 of 2019 (Computerized Case No.D201912070001544) (State Vs. Ajaaj) under Section 51 of the Food Safety and

Standard Act, 2006.

(ii) Issue a writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. At the very outset, Mr. Ambrish Shukla, learned Additional Chief Standing Counsel raised a preliminary objection regarding the maintainability of the instant writ petition by submitting that petitioner has an efficacious alternative remedy to ventilate his grievance by way of moving an appeal before the Commissioner, Food Safety and Drug Administration.

4. When confronted with above situation, learned counsel for the petitioner could not overcome the same.

5. In the aforesaid facts and circumstances of the case, no useful purpose would be served to keep this matter pending. Accordingly, this writ petition stands disposed of directing the petitioner to move an appeal before the respondent No.2.Commissioner, Food Safety and Drug Administration U.P. at Lucknow and the same shall be decided within a period of three months from today after production of certified copy of this order before him in accordance with law if there is no other legal impediment.

Order Date :- 27.7.2023 Sachin/