

Suo Moto vs State Of U.P. And Others on 21 February, 2023

Bench: Pritinker Diwaker, Saumitra Dayal Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 716 of 2020

Petitioner :- Suo Moto

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Suo Moto, Asar Mukhtar, Ashish Malhotra, Ikram Ahmad, Ishan Deo Gi

Counsel for Respondent :- C.S.C., Deepak Singh, Kartikeya Saran, Krishna Nand Rai, Prashant

Hon'ble Pritinker Diwaker, Acting Chief Justice

Hon'ble Saumitra Dayal Singh, J.

1. Heard Mr. Manish Goel, learned Additional Advocate General assisted by Mr. A.K. Goyal, learned Additional Chief Standing Counsel for the State and Mr. Ran Vijay Singh, Mr. Ashish Malhotra, Mr. Prashant Rai and Mr. Kartikeya Saran, learned counsel for the interveners.

2. Upon hearing it transpires, during the spread of Covid-19 Pandemic vide communication dated 5.9.2020 issued by Chief Secretary, Government of U.P., running of "Hukka Bars" was banned. Consequently, all the "Hukka Bars" established and being run in different districts of the State were discontinued.

3. Today, it has been urged by learned counsel appearing for the interveners that the Covid-19 Pandemic restrictions have been largely relaxed and, therefore, the interveners may be allowed to recommence their business. They have relied on the facts and circumstances of similar business

being allowed to run in different States of the country.

4. On the other hand, learned Additional Advocate General would submit, the interveners have yet not applied to the statutory authority under the Food Safety and Standards Act, 2006. In case they apply, their request will be considered strictly in accordance with law as expeditiously as possible.

5. Without going into the merits of the controversy, in view of the fact that undisputedly the business of running of "Hukka Bars" is regulated under the aforesaid Act, it is left open to the individual interveners to apply to the statutory authority in accordance with law for grant/renewal of licence to run their respective "Hukka Bar". If such application/s is/are made by the present individual intervener/s or other similarly situated persons, the same may be dealt with strictly in accordance with law as expeditiously as possible, preferably within a period of one month from the date of filing of such application.

6. With the above observations, the present petition stands disposed of.

Order Date :- 21.2.2023

Kuldeep/Rakesh

(S.D. Singh, J) (Pritinker Diwaker, ACJ)