

Prabin Phukan vs The State Of Assam And 7 Ors on 19 February, 2024

Author: Manish Choudhury

Bench: Manish Choudhury

Page No.# 1/2

GAHC010013822024

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/698/2024

PRABIN PHUKAN
SON OF JIBANESWAR PHUKAN, RESIDENT OF PURBANCHAL PATH,
CHANDMARI, WARD NO. 10 , GOLAGHAT, ASSAM, DISTRICT- GOLAGHAT,
ASSAM, PIN- 785621

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF HEALTH AND FAMILY WELFARE, JANATA
BHAWAN (ASSAM SECRETARIAT COMPLEX), DISPUR, GUWAHATI- 781006

2:DIRECTOR OF HEALTH AND FAMILY WELFARE
ASSAM GS ROAD
JAYA NAGAR
SIX MILE GUWAHATI- 781036

3:JOINT DIRECTOR OF HEALTH SERVICES
GOLAGHAT
ASSAM PIN- 785702

4:COMMISSIONER OF FOOD SAFETY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
ASSAM

5:DESIGNATED OFFICER
FOOD SAFETY
GOLAGHAT IN THE OFFICE OF THE JOINT DIRECTOR OF HEALTH
SERVICES
GOLAGHAT ASSAM

6:FOOD SAFETY OFFICER
GOLAGHAT

Page

7:DEPUTY COMMISSIONER
GOLAGHAT (DEVELOPMENT BRANCH)

8:SUB-DIVISIONAL OFFICER (SADAR)
GOLAGHA

Advocate for the Petitioner : MR. A R BHUYAN
Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

19.02.2024 Heard Mr. A.R. Bhuyan, learned counsel for the petitioner and Mr. B. Gogoi, learned Standing Counsel, Health & Family Welfare Department for the State respondents.

Mr. Bhuyan, learned counsel for the petitioner has submitted that the Food Safety Officer does not have the authority and jurisdiction to issue an Improvement Notice under Section 32 of the Food Safety and Standards Act, 2006 and it is only the Designated Officer, who can issue the Improvement Notice under Section 32 of the Food Safety and Standards Act, 2006.

Mr. Gogoi, learned Standing Counsel, Health & Family Welfare Department has sought time to obtain instructions as to whether authority and jurisdiction to issue an Improvement Notice under Section 32 of the Food Safety and Standards Act, 2006 can be vested and delegated to Food Safety Officer appointed under Section 37 of the Food Safety and Standards Act, 2006.

As sought for by the learned counsel for the parties, list the case on 21.02.2024.

JUDGE Comparing Assistant