

# **Mohd. Kaif vs State Of U.P. And 4 Others on 31 October, 2023**

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:208292-DB

Court No. - 40

Case :- WRIT - C No. - 34415 of 2023

Petitioner :- Mohd. Kaif

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Hari Om Sharan Tiwari, Shrikant Chaturvedi

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Hari Om Sharan Tiwari, learned counsel for the petitioner and Shri Devansh Rathore, learned Additional Chief Standing Counsel for the State respondents.

2. The present writ petition is preferred for a direction commanding the Senior Superintendent of Police, Moradabad to accord 'No Objection Certificate' (for short "NOC") to the petitioner to carry out his retail buffalo meat shop as per the provisions contained under the Food Safety and Standards Act, 2006 (hereinafter referred to as the "Act, 2006) as well as Food Safety and Standards (Licensing and Registrations of Food Business) Regulations, 2011 (hereinafter referred to as the "Regulations, 2011).

3. Learned counsel for the petitioner submits that the petitioner wants to run a meat shop and he is required to get 'No Objection Certificate' from the authority concerned in view of the Act, 2006 read with Regulations, 2011. The petitioner had applied for according the NOC from the concerned authority on 20.10.2022. It is also assured to us that in view of the aforesaid Act and Regulation, the petitioner will also provide/furnish an undertaking to the authorities that the hygiene and other required parameters, which are required to run the meat shop, would be followed by the petitioner. In support of his submission, he has also placed reliance upon the judgement passed by the Coordinate Bench of this Hon'ble Court in M/s Mobeen Meat Shop & 07 Ors. v. State of U.P. and 05 Ors. 2021 LawSuit(All) 1804 and the judgement and order passed in Writ-C No. 15711 of 2019 (Mohd. Arman v. State of U.P. & 03 Ors.). He submits that in the light of the judgements in M/s Mobeen Meat Shop (supra) and Mohd. Arman (supra) the respondents may accord NOC in favour of the petitioner.

4. Sri Devansh Rathore, learned Additional Chief Standing Counsel submits that, in case, petitioner applies for NOC as per Act, 2006 read with Regulations, 2011, definitely the competent authority will process the application in accordance with law.

5. No useful purpose would be served in keeping the writ petition pending consideration.

6. Considering the facts and circumstances and without expressing any opinion on the merits of the case, the writ petition is disposed of asking the Senior Superintendent of Police, Moradabad to call for a fresh report from the police station concerned and after examining the reports and the material placed before him, take an appropriate decision whether a 'No Objection Certificate' is to be accorded or not to the petitioner for according licence of 'Meat Shop'. It is provided that the decision as directed above shall be taken preferably within a period of three weeks from the date of production of certified copy of this order.

Order Date :- 31.10.2023 Rama Kant