

M/S Ice Zone vs State Of U.P. And 3 Others on 26 July, 2023

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:150256-DB

Court No. - 40

Case :- WRIT - C No. - 24309 of 2023

Petitioner :- M/S Ice Zone

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

Counsel for Petitioner :- Pramod Kumar Srivastava

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Pramod Kumar Srivastava, learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition has been preferred for the following principal reliefs:-

"(i) Issue a writ, order direction in the nature of certiorari to quash the impugned order dated 19.12.2022 passed by respondent no.4 i.e. Adjudicating Officer/Additional District Magistrate (City), District Kanpur Nagar in Case No.01495/2020 (State Vs. Sazid Khan), Computerized Case No.D202003410001495, under Section 26 (2) of Food Safety and Standard Act, 2006 whereby the respondent

no.4 imposed the fine of a sum of Rs.1.00 lakh and directed the authority concerned to make the recovery of the sum of Rs.1.00 lakh as arrears of land revenue.

(ii) Issue a writ, order or direction in the nature of mandamus commanding/directing the authority concerned not to arrest and harass to the petitioner and not to recover any amount pursuant to impugned order dated 19.12.2022 passed by respondent no.4 i.e. Adjudicating Officer/Additional District Magistrate (City), District Kanpur Nagar in Case No.01495/2020 (State Vs. Sazid Khan), Computerized Case No.D202003410001495, under Section 26 (2) of Food Safety and Standard Act, 2006."

3. Sri Shukla, learned A.C.S.C. raised an objection regarding maintainability of the writ petition on the ground that against the order impugned the petitioner has efficacious remedy of filing an Appeal under Section 70 of Food Safety and Standards Act, 2006.

4. Considering the facts and circumstances, we are not inclined to entertain this writ petition. Needless to say, the petitioner can avail the remedy as available under law.

5. The instant writ petition is, accordingly, dismissed.

Order Date :- 26.7.2023 S.P.