

Qamarul Hasan vs State Of U.P. And 4 Others on 13 March, 2023

Author: Surya Prakash Kesarwani

Bench: Surya Prakash Kesarwani

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 3

Case :- WRIT - C No. - 32688 of 2022

Petitioner :- Qamarul Hasan

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

Counsel for Petitioner :- Tahir Husain Farooqui

Counsel for Respondent :- CSC

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Anish Kumar Gupta,J.

Heard Sri Tahir Husain Farooqui, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.

This writ petition has been filed praying for the following relief:

"(a) issue a writ, order or direction in the nature of Certiorari quashing the order dated 04.09.2021 passed by Sub Divisional Magistrate, Tehsil- Bisauli, District- Badaun and Sudhar Notice/order dated 18.09.2021 issued by Designated Officer, District- Budaun.

(b) issue a writ, order or direction in the nature of Mandamus directing the respondents no. 4 & 5 to allow the petitioner to run his meat shop and restrain the interference in the peaceful running of the meat shop of the petitioner."

Grievance of the petitioner is that a license has been granted by the Competent Authority under the Food Safety and Standards Act, 2006 and yet on the baseless complaint, the impugned order has been passed restraining the petitioner to operate his meat shop although, his license is continuing.

In view of the aforesaid, this writ petition is disposed of giving liberty to the petitioner to submit a representation before the respondent no.2 within three weeks from today alongwith a certified copy of this order, raising all his grievances. In the event such representation is made within the stipulated period, the respondent no. 2 shall pass an appropriate order in accordance with law expeditiously, preferably within next three weeks after giving reasonable opportunity of hearing to the petitioner and after obtaining a report from the Competent Authority under the Food Safety and Standards Act, 2006.

It is made clear that the Court has not expressed any opinion on merits of the case of the petitioner.

The parties shall abide by the order as may be passed by the District Magistrate.

Order Date :- 13.3.2023 Shubham Arya