

Manish Kumar @ Nanhe Singh vs State Of U P And 4 Others on 25 March, 2021

Author: Sunita Agarwal

Bench: Sunita Agarwal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 39

Case :- WRIT - C No. - 8436 of 2021

Petitioner :- Manish Kumar @ Nanhe Singh

Respondent :- State Of U P And 4 Others

Counsel for Petitioner :- Abhishek Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Recovery citation dated 31.10.2020, which is subject matter of the present writ petition, has been issued by the respondent No. 4 pursuant to the determination of liability of the petitioner in accordance with the provisions of Rule 51 of National Food Safety and Standards Act, 2006 by the competent authority.

Only submission of the learned counsel for the petitioner is that a recall application has been filed seeking recall of the order dated 18.03.2020 passed by the adjudicating authority, which is an exparte order and a direction be issued to the respondent No. 2 - Additional District Magistrate and Adjudicating Authority under the Food Safety & Standards Act, 2006 to decide the pending restoration application.

This Court is of the view that the challenge to the recovery citation dated 31.10.2020, which is a consequential action without challenging the order of determination dated 18.03.2020, cannot be entertained.

For any other prayer, the petitioner may file fresh writ petition with appropriate relief.

The present writ petition is dismissed with the above liberty.

Order Date :- 25.3.2021 gp