

M/S K.G.M. Merchant Store , Sultanpur ... vs Addl. Distt. Magistrate ... on 5 April, 2024

Author: Sangeeta Chandra

Bench: Sangeeta Chandra

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2024:AHC-LK0:27959-DB

Court No. - 3

Case :- WRIT - C No. - 3160 of 2024

Petitioner :- M/S K.G.M. Merchant Store , Sultanpur Thru. Proprietor Saddam Rain

Respondent :- Addl. Distt. Magistrate (Administrative) Sultanpur And Another

Counsel for Petitioner :- Sanat Singh,Virendra Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the State-opposite parties.

2. This writ petition has been filed with the following main prayer:-

"i. To issue a writ, order or direction in the nature of Certiorari for quashing the impugned judgement and order dated 18.11.2023 passed by the opposite party no.1 in Case No.3720/2023, Computerized case No.D-202304680003720, State of U.P. Vs. Saddam Rain, under Section 26(2) Food safety and Standard Act, 2006, as contained

in Annexure no.1 to the writ petition.

ii. To issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to disturb the business of the petitioner in any manner, in the interest of justice."

3. Learned Standing Counsel has raised a preliminary objection regarding the maintainability of the writ petition and he has pointed out Section 70 of the Food Safety and Standard Act, 2006, wherein an appeal is provided against an order passed by the Adjudicating Officer/Additional District Magistrate (Administration) before the District and Sessions Judge.

4. This writ petition is accordingly disposed of with a direction to the petitioner to approach the appropriate forum within a period of ten days from today.

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(Brij Raj Singh, J.) (Sangeeta Chandra, J.) Order Date :- 5.4.2024 Rao/-