

# Jai Prakash Chourasia vs The State Of Jharkhand on 30 January, 2024

**Author: Ananda Sen**

**Bench: Ananda Sen**

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 2976 of 2022

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Jai Prakash Chourasia, S/o Late Sambhu Nath Chourasia

.... Petitioner(s).

Versus

1.The State of Jharkhand

2.The Adjudicating Officer-cum-Sub-Divisional Officer, P.O. & P.S. Dhanbad  
Dhanbad

3.The District Food Safety Officer-cum-Adjudicating Officer-cum-Deputy  
Commissioner, Dhanbad

4.The food Safety Officer, Dhanbad

5.The Director of Referral Food Laboratory, Government of India

... Respondent(s).

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CORAM

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SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Rahul Kumar Gupta, Advocate Mr. Rakesh Kr. Singh, Advocate Ms. Swati Singh, Advocate For the Respondent(s) : Mr. Vishal Kr. Rai, AC to G.A.IV .....

05 /30.01.2024: This matter has been listed today on the point of maintainability.

2. Petitioner in this writ petition has prayed for the following relief:-

I. For issuance of appropriate writ/ direction for setting aside the order dated 12.05.2022 passed by learned adjudicating officer-cum-additional Collector, Dhanbad passed in Food Safety Case No.05/2021, by which the petitioner has been inflicted with a penalty of Rs.3,00,000/- under Section 3(1)(zx) of the Food Safety and Standards Act, 2006 [hereinafter the Act] for a product being substandard in terms of the Act.

3. State has filed a counter affidavit taking a preliminary objection that this order, which is impugned in this writ petition, is appealable under Section 17(i) of the Food Safety and Standards Act, 2006.

4. Considering the statement made in the counter affidavit, learned counsel for the petitioner seeks permission to withdraw this writ petition to approach the District Food Safety Tribunal by invoking under Section 17(i) of the Food Safety and Standards Act, 2006.

5. Considering the said submissions, prayer is allowed with a liberty to the petitioner to approach the Tribunal challenging the impugned order. If such application is filed along with any application for condoning the delay the same will be considered sympathetically considering the fact that this writ petition is pending before this Court.

6. Accordingly, the instant writ petition is withdrawn.

R.S.

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