

## Ravi Jain vs The State Of Jharkhand & Ors on 19 July, 2022

**Author: Kailash Prasad Deo**

**Bench: Kailash Prasad Deo**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
[Civil Writ Jurisdiction]  
W.P.(C) No. 7247 of 2017

Ravi Jain		..... Petitioner
	Versus	
The State of Jharkhand & Ors.		.. .. Respondents
.....		

CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO .....

For the Petitioner : Mr. Santosh Kumar Jha, Advocate For the respondents-State : Mr. Manish Mishra, G.P.-V .....

07/ 19.07.2022.

Heard, learned counsel for the parties.

Petitioner, namely, Ravi Jain has preferred the writ petition for issuance of writ in the nature of certiorari for quashing the order dated 28.07.2017, passed in Food Safety case No.03/2016 by respondent no.2 (The Adjudicating Officer- cum- Collector- Cum- District Magistrate, Bokaro) whereby the petitioner has been fined Rs.50,000/- only on the ground of violating Section 26, 27, 48 and 51 of the Food Safety and Standards Act and also for quashing the letter No.194 dated 10.08.2017 whereby the petitioner has been directed to deposit the amount of fine of Rs.50,000/- on the allegation of selling sealed and packed Prime brand of iodised salts which was sub standard as per the respondents though the Prime salt is manufactured by a company having FSSAI Licence No.10013022002508 as per the report Food Analyst report in form 'B'.

Learned counsel for the petitioner, Mr. Santosh Kumar Jha has submitted, that writ petition was filed at the time, when the Food Safety Appellate Tribunal was not in existence in State of Jharkhand, which has been subsequently notified vide Memo No.16/ Post Creation -09-02/2018-233 (16) Ranchi dated 30.07.2020 issued under the signature of Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, as such, this petition is maintainable as it has already been filed.

Learned counsel for the respondents-State, Mr. Manish Mishra, G.P.-V has opposed the prayer and submitted, that counter-affidavit has been filed, but it would be proper that the petitioner may be directed to file an appeal before the Food Safety Appellate Tribunal constituted under the Act as the same has already been held by co- ordinate Bench of this Court in W.P.(C) No.7390 of 2013 in terms

of order dated 02.12.2021.

Upon which, learned counsel for the petitioner, Mr. Santosh Kumar Jha seeks permission to withdraw the petition so as to avail legal remedy available under the law, before the appropriate forum.

However, the period consumed before this Court, from the date of filing of writ petition i.e. 13.12.2017 till today, may be considered under Section 14 of the Limitation Act.

Considering the rival submissions of the parties, looking into the facts and circumstances of the case, petitioner is permitted to withdraw the writ petition with a liberty to prefer an appeal before the appropriate forum in accordance with law.

However, the period from 13.12.2017 till today i.e. 19.07.2022 shall be considered under Section 14 of the Limitation Act if such application is filed before the appellate authority.

Accordingly, the instant writ petition is disposed of.

R. S.

(Kailash Prasad Deo)