

Sanjay Jain vs State Of Chhattisgarh on 5 July, 2021

Author: Narendra Kumar Vyas

Bench: Narendra Kumar Vyas

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HIGH COURT OF CHHATTISGARH, BILASPUR
WPCR No. 346 of 2017
Sanjay Jain S/o Shri Kamal Kumar Jain Proprietor M/S Kirti Marketing
Gurudwara Road Jagdalpur District Bastar Chhattisgarh.

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Versus

1. State of Chhattisgarh Through The Secretary Food And Civil Supplies Corporation Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh.
2. The Food Security Officer, Food And Drugs Administration Jagdalpur District Bastar Chhattisgarh.

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For Petitioner : Shri Vikash A. Shrivastava, Advocate. For Respondent-State : Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas, Judge Order on Board 05.07.2021

1. The learned counsel for the Respondent-State would submit that after filing of the present writ petition on 08.09.2017, the State Government has issued Gazette Notification on 09.10.2017 appointing the District & Sessions Judge of every Civil District as Presiding Officer of the Food and Safety Appellate Tribunal. They have been appointed in exercise of power conferred under Section 17 of the Food Safety and Standards Act, 2006 (for short,"the Act of 2006).

2. The Petitioner has effective efficacious remedy available under the Act of 2006, therefore, the present writ petition is not maintainable.

3. The Petitioner has filed writ petition on 08.09.2017 and the interim relief has already been granted on 14.09.2017 to the Petitioner. The writ petition has been pending before this Court since 08.09.2017 and it is being disposed off today. Therefore, the time spent before this Court is liable to be exempted for condoning the delay. If the Petitioner files an appeal within 45 days from the date of receipt of a copy of this order, the period spent before this Court will not come in way of the District Judge to decide the appeal on merits.

4. With this direction and observation, this writ petition is disposed off.

Sd/-

(Narendra Kumar Vyas) Judge Hem