

# **Sageer Ahmad vs State Of U.P. And 3 Others on 15 March, 2021**

**Bench: Sunita Agarwal, Deepak Verma**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 39

Case :- WRIT - C No. - 7608 of 2021

Petitioner :- Sageer Ahmad

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shahid Ali Siddiqui

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Deepak Verma,J.

Heard learned counsel for the parties.

The challenge is to the recovery citation dated 11.1.2021 issued by respondent no. 4 pursuant to a demand raised in view of an order dated 22.11.2018 passed by the Additional District Magistrate (City), Prayagraj in Suit No. 03868 of 2018 (State vs. Sageer Ahmad) under Section 51 of Food Safety and Standard Act, 2006.

It is contended that the petitioner has filed an appeal under Section 70 of the Food Safety and Standard Act, 2006 before the Food Safety Appellate Tribunal/District Judge, Allahabad and the same is pending as Appeal No. 20 of 2019. It is contended that an interim order has been passed by the Appellate Tribunal in the said appeal.

In view of the above fact, the challenge to the recovery citation by filing the present writ petition is under Article 226 of the Constitution of India is a result of wrong advice.

The writ petition is found misconceived. It is open for the petitioner to challenge the recovery citation in the pending appeal.

The writ petition is, accordingly, dismissed.

Order Date :- 15.3.2021 Brijesh