

Mukesh Singh @ Mahesh Singh vs State Of U.P. And 2 Others on 28 July, 2023

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:151413-DB

Court No. - 40

Case :- WRIT - C No. - 23693 of 2023

Petitioner :- Mukesh Singh @ Mahesh Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Brijesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Brijesh Kumar Singh, learned counsel for the petitioner and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition has been preferred for the following reliefs:-

"(i) Issue a writ, order direction in the nature of certiorari quashing the impugned order dated 20.02.2023 passed by the respondent no. 2- Adjudication Officer/ Additional District Magistrate (City), District- Kanpur Nagar, in Case No. 03751 of 2019, Computerized Case No.D201903410003751 (State Vs. Mukesh Singh @ Mahesh Singh), under Section 26 (2) Food Safety and Standards Act, 2006.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents not to give effect and not to implement the impugned orders and not to proceed with recovery proceedings in pursuance of the aforesaid impugned order dated 20.02.2023."

3. Sri Shukla, learned A.C.S.C. raised an objection regarding maintainability of the writ petition on the ground that against the order impugned, the petitioner has efficacious remedy of filing an Appeal under Section 70 of Food Safety and Standards Act, 2006.

4. Considering the facts and circumstances, we are not inclined to entertain this writ petition. Needless to say, the petitioner can avail the remedy as available under law.

5. The instant writ petition is, accordingly, dismissed.

Order Date :- 28.7.2023 Rama Kant