

# Fozil Meat Shop vs State Of Up And 7 Others on 7 May, 2024

**Author: Saumitra Dayal Singh**

**Bench: Saumitra Dayal Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:81755-DB

Court No. - 39

Case :- WRIT - C No. - 15070 of 2024

Petitioner :- Fozil Meat Shop

Respondent :- State Of Up And 7 Others

Counsel for Petitioner :- Manoj Kumar Tripathi, Vinod Kumar Tirpathi

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Donadi Ramesh, J.

1. Heard Shri Vinod Kumar Tripathi, learned counsel for the petitioner and Shri Mukul Tripathi, learned Standing Counsel for the State.

2. Challenge has been raised to the notice dated 26.9.2023 issued by the Assistant Commissioner, Food Safety and Drug Administration, Bijnor whereby the petitioner's meat shop license has been suspended. Submission is, such suspension is without jurisdiction inasmuch as prior notice was not issued or served on the petitioner under Section 32 of the Food Safety and Standards Act, 2006.

3. Prima facie, facts appear to be correct. However, it cannot be overlooked that the petitioner has approached the Court after more than six months. Accordingly, no useful purpose would be served in keeping the present petition pending or calling for counter affidavit at this stage. Prima facie, the satisfaction has to be recorded by the original authority .

4. In view of the above, present petition stands disposed of with the following observations:

(i) The petitioner may treat the communication dated 26.9.2023 to be the impugned notice and may file reply thereto within a period of two weeks supported by his personal affidavit annexing thereto all relevant documents he seeks to rely.

(ii) Subject to such compliance made, respondent no.6 may pass appropriate order in terms of Section 32 of the aforesaid Act, as expeditiously as possible, preferably within a period of two weeks from the date of compliance shown by the petitioner.

Order Date :- 7.5.2024 Prakhar (Donadi Ramesh, J.) (S.D. Singh, J.)