

# **M/S Prem Ji Sweet Namkeen House vs State Of U.P. And 3 Others on 26 July, 2023**

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:150021-DB

Court No. - 40

Case :- WRIT - C No. - 24339 of 2023

Petitioner :- M/S Prem Ji Sweet Namkeen House

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

Counsel for Petitioner :- Bed Kant Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Bed Kant Mishra, learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

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

"(i) Issue a writ, order direction in the nature of certiorari quashing the impugned order dated 23.12.2022 passed by the respondent no.3 in Case No.254 of 2019,

Computerized Case No.D201093410003651 (State Vs. Raman Kumar Gupta), 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 orders."

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 :- 26.7.2023 S.P.