

Farman Khan vs State Of U.P. And 2 Others on 12 July, 2021

Bench: Naheed Ara Moonis, Saumitra Dayal Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 3

Case :- WRIT - C No. - 13746 of 2021

Petitioner :- Farman Khan

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

Counsel for Petitioner :- Vivek Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Naheed Ara Moonis,J.

Hon'ble Saumitra Dayal Singh,J.

Heard Shri Vivek Kumar Singh, learned counsel for the petitioner and learned Standing Counsel for the State.

The present petition has been filed challenging the order dated 23.12.2020 passed by Additional District Magistrate (Finance & Revenue), Farrukhabad under Section 58 of Food Safety and Standards Act, 2006 (hereinafter referred to as 'Act').

Submission of learned counsel for the petitioner is that though the order dated 23.12.2020 refers to two notices issued to the petitioner, however, no notice was ever been served on the petitioner and thus no opportunity was ever granted to the petitioner to contest the proceedings.

Thus, it is clear that besides the statutory remedy of appeal, the petitioner may have a remedy of filing a recall application before the ADM (Finance & Revenue), Farrukhabad seeking recall of the

order dated 23.12.2020 as that application would fall within the ambit of procedural review.

Leaving that remedy open to the petitioner, the present petition is disposed of with a direction, in case, the petitioner files a recall application before the ADM (Finance & Revenue), Farrukhabad within a period of two weeks' from today along with a copy of this order, the said authority may proceed to pass an appropriate order on its own merits without being prejudiced by the observation made in the impugned order dated 23.12.2020.

Order Date :- 12.7.2021 Saurabh