

Burra Lingaiah Yadav vs The State Of Telangana And 3 Others on 10 February, 2022

Author: Satish Chandra Sharma

Bench: Satish Chandra Sharma, Abhinand Kumar Shavili

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.354 of 2021

JUDGMENT:

(Per the Hon'ble the Chief Justice Satish Chandra Sharma) The present writ appeal is arising out of order dated 22.06.2021 passed in W.P.No.13278 of 2021 by the learned Single Judge.

The facts of the case reveal that the writ petitioner came up before this Court against the order passed by the Adjudicating Officer/Additional District Collector/Additional District Magistrate, Nalgonda district, in exercise of powers conferred under the Food Safety and Standards Act, 2006 (for short, "the Act"), and the action taken under Section 26(2)(iv)(v) of the Act. A prayer was made for grant of compensation and for setting aside the order impugned. The learned Single Judge has dismissed the writ petition keeping in view the fact that a remedy lies before the designated Principal District and Sessions Judge, as he has been designated as Food Safety Appellate Tribunal vide G.O.Rt.No.493, dated 26.06.2015.

In the considered opinion of this Court, the learned Single Judge is certainly justified in disposing of the writ petition with a liberty to avail the alternative remedy. So far as the issue of compensation is concerned, on 10.08.2021, the learned counsel for the appellant/writ petitioner has confined the scope of the present appeal only to the extent of the order passed by the Adjudicating Officer. As the appellant/writ petitioner has abandoned the claim for compensation, he is certainly free to file an appeal in accordance with law.

Accordingly, the writ appeal is dismissed. Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J 10.02.2022 ES