

M/S Grihasthi Store vs The State Of Bihar on 1 November, 2022

Bench: Chief Justice, Partha Sarthy

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7179 of 2019

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M/s Grihasthi Store Station Road, Ward No. 10, Nagar Parishad, Supaul, P.S. and District-Supaul, through its Proprietor Basant Kumar Agrawal, aged about 40 years (male), son of Late Om Prakash Agrawal, R/o Station Road, Ward No. 10, Nagar Parishad, Supaul, P.S. and District-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Commissioner Koshi Division, Saharsa, District-Saharsa
3. The Designated Officer Koshi Division, Saharsa, District-Saharsa
4. The Food Safety Officer Koshi Division, Saharsa, District-Saharsa
5. The District Officer Supaul, Dist-Supaul
6. The Additional Collector-cum-Adjudicating Officer Supaul, District-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE) Date : 01-11-2022 Heard learned counsel for the parties. The petitioner has prayed for the following relief/s :-

"A) To issue a writ in the nature of certiorari setting aside the order dated 09.12.17 passed by Additional Collector-cum-Adjudicating Officer, Supaul in Adjudication Case No. 04/2017, directing petitioner to deposit fine of Rs.1 lakh for contravention of Section 59 of Food Safety and Standards Act, 2006, "for short would be referred as Act, 2006.

B) And/or any other order(s), direction(s), writ/writs Patna High Court CWJC No.7179 of 2019 dt.01-11-2022 for granting and other relief of reliefs to which the petitioner is found entitled to in the facts and circumstances of this case."

In view of equally alternative efficacious remedy, as provided, under section 70 of the Food Safety

and Standards Act, 2006, the present petition, as prayed for, is disposed of reserving liberty to the petitioner to initiate proceedings, in accordance with law. The said authority is the final fact finding authority where all pleas of fact and law can be raised and dealt with efficaciously.

Needless to add the period for which the petitioner has been pursuing the remedy before this Court shall be excluded for the purpose of calculation of period of limitation.

The present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ) (Partha Sarthy, J) Ashwini/Amrendra AFR/NAFR CAV DATE Uploading Date
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