

# **M/S Prem Ji Sweet Namkeen House Through ... vs State Of U.P. And 3 Others on 25 September, 2023**

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:185644-DB

Court No. - 40

Case :- WRIT - C No. - 23864 of 2023

Petitioner :- M/S Prem Ji Sweet Namkeen House Through Proprietor Raman Kumar Gupta

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 learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondent.

2. By means of the present writ petition, petitioner is assailing the order impugned dated 23.12.2022 passed by the third respondent in Case No. 161 of 2021 Computerised Case No. D 20213410002237 (State v/s. Raman Kumar Gupta), under Section 26(2) Food Safety and Standards Act 2006.

3. Sri Shukla, learned Additional Chief Standing Counsel raised an objection that against the order impugned, the petitioner has got efficacious alternative remedy to file an appeal under Section 70 of the Food Safety and Standards Act, 2006 and as such the present writ petition is liable to be dismissed on the ground of statutory alternative remedy.

4. Once an objection is being raised, we have proceeded to examine the record in question and we are of the considered opinion that once the efficacious alternative remedy is available to the petitioner, there is no reason or occasion to bypass the statutory forum and the writ petition is liable to be dismissed on the ground of statutory alternative remedy.

5. In the facts and circumstances, no useful purpose would be served in keeping the writ petition pending and with the consent of the parties, the writ petition is disposed of finally with the direction that in case any such appeal is being preferred by the petitioner along-with stay application within two weeks from today, the appellate authority would proceed to decide the stay application on its own merit within further three weeks time ignoring the delay and laches in filing the same but certainly after affording opportunity to all stakeholders in the matter.

Order Date :- 25.9.2023 A.K.Srivastava