

## WPMS/3425/2023 on 12 July, 2024

**Author: Manoj Kumar Tiwari**

**Bench: Manoj Kumar Tiwari**

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPMS No. 3425 of 2023 Hon'ble Manoj Kumar Tiwari, J.

(1) Mr. Narayan Har Gupta, learned counsel for the petitioner.

(2) Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand.

(3) Petitioner is a resident of Srikot Ganganali, Pauri Garhwal. By means of this writ petition, petitioner has sought the following relief:-

(i) To issue a Writ of Certiorari or any other order or direction in the nature thereof calling for the record and quash the No-Objection Certificate (NOC) dated 02.05.2023 (Annexure No. 04) issued by Respondent No. 01 i.e. District Magistrate, Pauri Garhwal for operating of the Meal Shop at Shop No. 03, Aadhat Bazaar, Srinagar, Pauri Garhwal by Respondent No. 08.

(ii) To issue a Writ of Certiorari or any other order or direction in the nature thereof calling for the record and quash the Food Safety Licence/Registration No. 22623049000025 i.e. Food Safety Officer, Srinagar to sell meat etc. at Shop No. 03, Aadhat Bazaar, Srinagar, Pauri Garhwal by Respondent No. 08.

(iii) To issue a Writ of Mandamus or any other order or direction in the nature thereof commanding the respondent no. 01 to 07 to cause closure of the meat shop at Shop No. 03, Aadhat Bazaar, Srinagar, Pauri Garhwal for being operating in violation of Schedule 4 Part IV(b)(1)(a) of the 'Food safety and standards (licensing and registration of food business), Regulations 2011' made under the Food Safety and Standards Act, 2006.

(iv) To issue a Writ of Mandamus or any other order or direction in the nature thereof commanding Respondent No. 06 i.e. Commissioner Garhwal & Respondent No. 07 i.e. Principal Secretary, Urban Development to initiate inquiry against Respondent No. 01 i.e. District Magistrate, Pauri Garhwal for having acted blatantly

against the provisions of Food Safety and Standards Act, 2006 & U.P. Municipal Corporation Act, 1959 & relevant resolutions of erstwhile Nagar Palika, Srinagar in arbitrarily granting NOC to Respondent NO. 08 along with a without jurisdiction implied direction to the Respondent No. 04 i.e. Food Safety Officer, Srinagar to issue License under Food Safety and Standards Act, 2006 to Respondent No. 08.

(4) In sum and substance, petitioner has challenged the NOC issued by respondent no. 1 and the Food Safety License issued by respondent no. 4 to respondent no. 8 for running a meat shop.

(5) From perusal of the pleadings of connected petition i.e. WPMS No. 1598 of 2024, it is revealed that not only NOC but also the Food Safety Licence, issued to respondent no. 8, have been withdrawn. In such view of the matter, the reliefs, claimed in this writ petition, do not survive.

(6) Accordingly, writ petition is dismissed, as infructuous.

(Manoj Kumar Tiwari, J.) 12.07.2024 Aswal