

# **Mohd. Shahjad vs State Of U.P. And 3 Others on 28 July, 2023**

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:152848-DB

Court No. - 40

Case :- WRIT - C No. - 23786 of 2023

Petitioner :- Mohd. Shahjad

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ghan Shyam Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Ghan Shyam Yadav, learned Counsel for the petitioner and Sri Fuzail Ahmad Ansasi, learned Standing Counsel for the State respondents.

2. The present writ petition has been filed for the following main reliefs:-

"i. Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 15.03.2023 passed by respondent nos.2 & 3.

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to reopen the meat shop of the petitioner within a period as directed by this Hon'ble Court."

3. The petitioner has challenged the order dated 15.03.2023 passed by the Assistant Commissioner (Food Safety and Drugs Administration), Moradabad by the license of his meat shop has been cancelled on the ground that a criminal case under Section 3/5/8 of Cow Slaughter Act is pending against him.

4. Learned Standing Counsel states that against the order impugned the petitioner has an efficacious remedy of filing an Appeal under Section 32 of Food Safety and Standard Act, 2006 before the Commissioner Food Safety And Drugs Administration.

5. Considering the facts and circumstances, once the efficacious remedy is available to the petitioner, we are not inclined the entertain this writ petition. However, if the petitioner files an appeal before the competent authority within a period of 10 days from today, the same shall be considered on merits and in accordance with law.

6. Accordingly, this writ petition is disposed of.

Order Date :- 28.7.2023 S.P.