

Rajendra Kumar vs State Of U.P. And 2 Others on 2 May, 2023

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 40

Case :- WRIT - C No. - 14911 of 2023

Petitioner :- Rajendra Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashwini Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Manjive Shukla,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

By means of present writ petition the petitioner has challenged the impugned order dated 26.12.2022 passed by the second respondent/Additional District Magistrate (Nazul)/Adjudication Officer, Meerut in Suit/Case No.2708 of 2021, Computer Case No.D202111520002708 (State of UP vs. Rajendra Kumar) under Section 51 of Food Safety and Standard Act, 2006 by which the penalty of Rs.4,50,000/- has been imposed upon the petitioner.

Learned Standing Counsel has raised a preliminary objection regarding maintainability of the present writ petition on the ground that the Food Safety and Standard Act, 2006 (in short, Act, 2006) is self-contained Act and against the impugned order the petitioner has got efficacious alternative remedy under Section 69 and 70 of the Act, 2006. Once there is efficacious alternative remedy then the writ petition is liable to be dismissed.

Considering the facts and circumstances, at this stage we are not inclined to entertain the writ petition on the ground of efficacious alternative remedy.

With the aforesaid leave, the present writ petition stands disposed of.

Order Date :- 2.5.2023 RKP