

# Pratik Goyal vs The State Of Madhya Pradesh on 1 April, 2022

**Author: Vijay Kumar Shukla**

**Bench: Vijay Kumar Shukla**

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IN THE HIGH COURT OF MADHYA PR  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE VIJAY  
ON THE 1st OF A

WRIT PETITION No. 1739

Between:-  
PRATIK GOYAL S/O SUBHASH GOYAL, AGE  
ABOUT 44 YEARS, OCCUPATION: BUSINESS  
SEJWAYA, GHATABILLOD (MADHYA PRADESH)

(BY SHRI VINAYAK BALCHANDANI, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH  
DESIGNATED OFFICER FOOD AND DRUG  
ADMINISTRATION OFFICE DHAR (MADHYA  
PRADESH)
2. FOOD SAFETY OFFICER SACHIN LONGARI  
FOOD AND DRUG ADMINISTRATION OFFICE  
DHAR (MADHYA PRADESH)

(BY SHRI P.KIBE, PANEL LAWYER)

This petition coming on for orders  
following:

ORDER

In the instant petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a direction to the respondents for destroying the food seized 1 1/2 years ago and dumped in the premises of the petitioner. In this regard, the petitioner had submitted an application to the respondents u/S.36 of Food Safety and Standard Act, 2006.

The respondents have filed the reply and submitted that after receiving the report of the Food Analyst, the competent authority had issued notice dated 6/12/2021 to the petitioner, his nominee and another director Subhash Goyal to provide complete particulars and details of said Karmyogi

Food Product. It is submitted that the petitioner filed reply to the said notice but did not provide requisite details. By order dated 8/12/2021 the competent authority has rejected MATHEW the application on the ground of want of details of the proprietor, partner, director Date: 2022.04.01 17:36:34 IST etc. Counsel for petitioner points out that along with the reply dated 7/8/2021, the requisite and necessary details were provided to the respondents. However, without taking into consideration of the same, the order dated 8/12/2021 has been passed rejecting the application.

Upon perusal of the order dated 8/12/2021, it is evident that the said application has been rejected only for want of details of proprietor, partner, director etc. of Karmyogi Food Product without assigning any reason. The respondents had not taken into consideration the documents filed by the petitioner along with his reply dated 27/8/2021.

Therefore, the writ petition is disposed off with a direction to the competent authority to pass fresh order taking into consideration the requisite informations and details provided by the petitioner vide reply dated 27/8/2021 within a period of four weeks from the date of communication of the order.

VM

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