

Chinar Sheep & Goat Suppliers vs Ut Of J&K & Others on 16 November, 2021

Author: Sanjay Dhar

Bench: Sanjay Dhar

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Reserved on: 27.10.2021
Pronounced on: 16.11.2020

WP(C) No.905/2020
c/w
WP(C) No.1467/2020
CCP(S) No.147/2021

CHINAR SHEEP & GOAT SUPPLIERS
WELFARE ASSOCIATION
Through: - Mr. Hakim Suhail Ishtiyag, Advocate.

...PETITIONER(S)

Vs.

UT OF J&K & OTHERS
Through: - Mr. Shah Aamir, AAG.
Mr. Sheikh Feroz, Dy. AG.

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

1. The issue involved in WP(C) No.905/2020 is whether after coming into force of the Food Safety and Standards Act, 2006 and framing of Licensing Regulations thereunder, the respondent No.3 still continues to hold the power to grant licences for sale of mutton in terms of the Jammu and Kashmir Mutton (Licensing and Control) Order, 1973. c/w
2. In WP(C) No.1467/2020, the issue involved is as to whether respondent No.3, even after coming into force of the Food Safety and Standards Act, 2006, continues to have the power to grant licences for import and sale of livestock in the Union Territory of Jammu and Kashmir in terms of the provisions of J&K Mutton (Licensing and Control) Order 1973.

3. The contention of the petitioners in both the petitions is that after coming into force of the Food Safety and Standards Act, 2006 and framing of regulations thereunder, it is not the Department of Food, Civil Supplies and Consumer Affairs but it is the Commissioner, Food Safety, J&K, and the other authorities constituted under the Food Safety and Standards Act, 2006, who are vested with the power to grant licences.

4. The arguments in the above titled two connected petitions were heard on 27.10.2021. However, during perusal of the record, it was found that only respondent No.3-Director, Food, Civil Supplies and Consumer Affairs Department, has filed reply to both the petitions.

c/w

5. Keeping in view the nature of issues involved in both the petitions, it is necessary to have the version of respondents No.1 and 2 i.e., Commissioner, Health & Medical Department, and Commissioner, Food Safety, Jammu & Kashmir. Accordingly, the aforesaid respondents are directed to file their response to both the writ petitions positively by or before next date of hearing. In case response is not filed by respondents No.1 and 2, respondent No.2 shall appear in person on next date of hearing.

6. List these petitions on 14th December, 2021.

7. Copy of this order be sent to Mr. Shah Aamir, AAG, counsel for respondents No.1 and 2, for ensuring its compliance.

(Sanjay Dhar) Judge Srinagar 16.11.2021 "Bhat Altaf, PS"

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No

c/w