

# Kanhaiya Lal Gupta vs State Of U.P.Thru Prin.Secy. Food & ... on 22 March, 2021

**Bench: Ritu Raj Awasthi, Manish Mathur**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 1

Case :- MISC. BENCH No. - 7970 of 2021

Petitioner :- Kanhaiya Lal Gupta

Respondent :- State Of U.P.Thru Prin.Secy. Food & Civil Supply Lko & Ors.

Counsel for Petitioner :- Vivek Chandra,Krishna Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ritu Raj Awasthi,J.

Hon'ble Manish Mathur,J.

Heard.

Notice on behalf of all opposite parties has been accepted by the learned Chief Standing Counsel.

The writ petition has been filed seeking following reliefs:-

"1. Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned recovery certificate dated 28.11.2020, issued by the opposite party no.2 i.e. Adjudicating Officer (Nyay Nirnayak Adhikari/Additional District (Finance/Revenue) Sitapur, contained as Annexure No.1 to this writ petition.

2. Issue any other order or direction deemed just and equitable under the circumstances of the case in favour of the petitioner.

3. Allow the writ petition with costs."

Learned Standing Counsel appearing for opposite parties has raised objections regarding maintainability of the writ petition on two grounds. First of all, the petitioner has not challenged the order by which the penalty has been imposed against the petitioner. Secondly, the petitioner has the remedy of filing an appeal under Section 70 of the Food Safety and Standards Act, 2006 which he has not availed.

The writ petition is accordingly dismissed with liberty to the petitioner to avail statutory remedy as available to him under the Food Safety and Standards Act, 2006.

Order Date :- 22.3.2021 lakshman