

Umesh Kumar Bohare vs Iqbal Singh Bais (Deleted) on 6 November, 2023

Author: Rohit Arya

Bench: Rohit Arya

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
CONC No. 248 of 2021
(UMESH KUMAR BOHARE Vs IQBAL SINGH BAIS (DELETED) AND OTHERS)

Dated : 06-11-2023

Shri Pawan Dwivedi - Amicus Curiae is present.

Shri M.P.S.Raghuvanshi - Senior Advocate and Additional Advocate
General with Shri Ankur Gupta - Advocate for the respondents

No.2,18,21,22,23 and 24 / State.

Shri Karan Virwani - Advocate for the respondents No.1 and 6. Shri Avneesh Gupta - Food Safety Officer, Food & Drugs Administration District Bhind, Mrs. Kiran Sengar - Food Safety Officer, Food & Drug Administration, District Morena, Shri Ashutosh Mishra - Food Safety Officer, Food & Drug Administration, District Shivpuri, Shri Satish Kumar Sharma, Food Safety Officer, Food & Drug Administration, District Gwalior and Shri Lakhan Lal, Food Safety Officer, Food & Drug Administration, District Guna are present before this Court.

After the order passed by this Court on 30.10.2023, Food Safety Officers of District Bhind and Morena have filed affidavits with documents.

Learned counsel for the respondents prays for a day's time to file additional affidavits in respect of Districts Gwalior, Guna, Vidisha, Ashok Nagar and Sheopur.

Prayer accepted. The affidavits shall be filed under the signature of each Collector of respective districts.

During the course of arguments Shri Pawan Dwivedi, Advocate states that ever since this Court has expressed serious concern about adulteration in milk, milk products and other essential commodities, that too nearing Dipawali festival, the State machinery in vulnerable districts namely, Bhind, Morena and Gwalior is galvanized and few raids at some establishments in different districts have been conducted. He states that raw materials like palm oil, refined palmolive oil. liquid detergent, detergent soap, caustic soda have been found in manufacturing units where adulterated Mawa is processed for its sale through different shops in different districts.

Shri Dwivedi submits that if deemed fit and proper, this Court may issue stringent direction to increase number of raids in different districts to checkmate such clandestine production activity of adulterated milk and its products as well as marketing thereof. Shri Dwivedi referring to the provisions contained in Essential Commodities Act and Food Safety and Standards Act, 2006 states that the Designate Officer or Authorised Officer in every district not only has power to conduct raid, search and seizure but also seal the premises and suspend licence for manufacturing milk products.

Shri Raghuvanshi, learned Senior Advocate and Additional Advocate General also agrees with the same and refers to the judgment of Hon'ble Apex Court in the case of Swami Achyutanand Tirth and others vs. Union of India and others, reported in (2016) 9 SCC 699. He has drawn attention of this Court to paragraph 56 of the said judgment which contains comprehensive and mandatory directives to the Central Government / State Government to initiate serious action against the persons involved in various activities of preparation of adulterated milk and milk products besides food adulteration.

This Court has carefully gone through various provisions of the Food Safety and Standards Act, 2006, Essential Commodities Act and the judgment in Swami Achyutanand Tirth's case (supra). We hereby issue following directions :

- (i) Collectors of all nine districts falling under the jurisdiction of this Court shall ensure that various teams are formed for conducting intensive raid, search operation in the entire districts where milk and milk products are being produced or supplied to shops and other vendors.
- (ii) Collectors shall also ensure intensive checking of vehicles and other modes of transportation of adulterated milk, milk products and other food items at entry and exit points of districts.
- (iii) As and where such illegal activities are found to be going on, the premises shall be sealed and licence issued shall be suspended.
- (iv) The Collectors shall also ensure that food samples collected from such premises are put to chemical analysis forthwith without loss of time for further action against each one of the culprits found involved in such clandestine activities.
- (v) As Dipawali Festival is afoot, the Collectors shall ensure serious and rapid action in the aforesaid context throughout districts to checkmate sale of adulterated milk and milk products either in wholesale or in retail shops through sweet shops or other outlets in different parts of the districts.
- (vi) The Superintendent of Police of all the nine districts shall ensure availability of police force as and when required by the Collector/Designate Officer/Authorised Officer or Food Safety Officer for the purpose of search operations and raid of establishments engaged in adulteration of milk, milk products and other essential

commodities.

(vii) A comprehensive report shall be prepared and be part of the affidavits to be filed by each Collector under his signature as regards action taken in the context of the order passed today.

List on 9th November, 2023.

Copy of the order be supplied free of cost to Shri Raghuvanshi, learned Senior Advocate and Additional Advocate General for official use and onwards transmission ensuring strict compliance thereof.

(ROHIT ARYA)
JUDGE

(AMAR NATH (KESHARWANI))
JUDGE

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