

Kandibanda Mallikharjuna Rao, vs The State Of A.P. on 25 September, 2023

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.24776 of 2020

ORAL ORDER:

Heard Sri Raja Reddy Koneti, Ld. Counsel for the Writ Petitioner and Sri M.Kondala Rao, Ld. Assistant Government Pleader for Medical, Health and Family Welfare appearing for Respondents.

2. The prayer sought in the present Writ Petition is as under:

"12. For all the reasons stated above, (a) it is prayed that this Hon'ble Court may be pleased to issue any writ or order or direction more particularly one in the nature of Writ of CERTIORARI calling for the records pertaining to order of the 3rd respondent in Rc. No. 001(Seizure)/DO/KR/2018, dated 07-07-2019 and declare that the initiation and passing of the order are abinitio void illegal, without jurisdiction, beyond the scope of The Food Safety and Standards Act, 2006 and consequently quash the said proceedings in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Ld. Counsel for the Writ Petitioner would submit that the issue involved in the present Writ Petition is covered by an Order of the Division Bench of this Court in W.P.No.30185 of 2021 and batch, dated 24.03.2023.

4. Ld. Counsel for the Writ Petitioner has also submitted that the Government of Andhra Pradesh has preferred an Appeal by way of a Special Leave Petition (C) Nos.9690 and 16596 of 2023 before the Hon'ble Supreme Court and that the Hon'ble Supreme Court has issued Notice in SLP (C) Nos.9690 and 16596 of 2023.

5. On query made by this Court whether there is any stay of the Order of the Division Bench, Sri M.Kondala Rao, Ld. Assistant Government Pleader for Medical, Health and Family Welfare appearing for Respondents has submitted that, on 18.08.2023, the Hon'ble Supreme Court has issued Notice, but, there is no stay.

6. Ld. Counsel for the Writ Petitioner would submit that since there is no stay of the Order of the Division Bench in W.P.No.30185 of 2021 and batch, dated 24.03.2023, the present Writ Petition must be allowed.

7. Having considered the facts and circumstances of the present case, this Court is of the opinion that since the issue in the present Writ Petition is squarely covered by the Order passed by the

Division Bench of this Court in W.P.No.30185 of 2021 and batch, dated 24.03.2023, the present Writ Petition stands allowed. The Impugned Proceedings bearing Rc.No.001(Seizure)/DO/KR/2018, dated 07.07.2019 issued by the Respondent No.3 are quashed. No Order as to costs.

8. Interlocutory Applications, if any, stand closed in terms of this Order.

MDP G.RAMAKRISHNA PRASAD, J Date: 25.09.2023