

# **Shashank Shekhar Narayan Singh And ... vs State Of U.P. And 2 Others on 2 March, 2023**

**Author: Surya Prakash Kesarwani**

**Bench: Surya Prakash Kesarwani**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 3

Case :- WRIT - C No. - 1642 of 2023

Petitioner :- Shashank Shekhar Narayan Singh And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Pandey,Rang Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Anish Kumar Gupta,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

This writ petition has been filed praying for the following relief:

"(i) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 29.6.2021 passed by respondent no.2 against the petitioners in Case No.01750 of 2020, State of U.P. Vs. Shekhar Narayan Singh and others (Annexure No.4)

(ii) A writ order, or direction in the nature of certiorari quashing impugned order dated 13.10.2021 passed by respondent no.2 against the petitioners in Case No.01749 of 2020, State of U.P. Vs. Shekhar Narayan Singh and others (Annexure No.5)

(iii). A writ order or direction in the nature of certiorari quashing impugned order dated 8.4.2022 passed by respondent No.2 against the petitioners in Case No.02291 of 2020, State of U.P. Vs. Shekhar Narayan Singh and others (Annexure No.6)."

On 3.02.2023, the Court passed the following order;

"List and connect with Writ-C No.1493 of 2023."

Today, learned Standing Counsel states on instruction of respondent No.2 that against the impugned orders, an appeal lies before the Tribunal, under Section 70(1) of the Food Safety and Standards Act, 2006 and therefore, the petitioners may prefer an appeal before the tribunal.

In view of the statement made by the learned Standing Counsel on instruction, this writ petition is dismissed on the ground of an alternative remedy, leaving it open for the petitioners to prefer an appeal before the Tribunal under Section 70(1) of the Food Safety and Standards Act, 2006. If such an appeal is filed by the petitioners within four weeks from today along a certified copy of this order, it shall be decided by the Tribunal in accordance with law on merit without raising any objection as to the limitation.

Certified copy of the impugned order shall be returned by the office to the learned counsel for the petitioners within three days, after retaining a photostat copy of the same in the record.

It is made clear that we have not expressed any opinion on merits of the case of the petitioners.

Order Date :- 2.3.2023 SFH