

M/S Mubarak Buffalo Meat Shop Amethi ... vs State Of U.P. Thru. Prin. Secy. Deptt. Of ... on 24 February, 2023

Bench: Sangeeta Chandra, Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 3

Case :- WRIT - C No. - 1149 of 2023

Petitioner :- M/S Mubarak Buffalo Meat Shop Amethi Thru. Proprietor Mubarak Qureshi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Food And Civil Supplies Civil Se

Counsel for Petitioner :- Rajbaksh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

It is the case of the petitioner that by the impugned order dated 11.01.2023, the registration of the petitioner for running a meat shop has been cancelled by upholding that the N.O.C. issued in his favour by the Police Authorities has, later on, been withdrawn/cancelled. No opportunity of hearing was given to him. He has referred to the various provisions of the Food Safety and Standards Act, 2006 to show that before cancelling the registration reasonable opportunity should be given and the authority concerned should record reasons for passing orders, which has not been done in the present case.

This Court has granted time to the learned Standing Counsel to seek instructions in the matter whether opportunity was granted to the petitioner.

Learned Standing Counsel has received instructions and says on the basis of it that the authorities concerned did not feel it necessary to give opportunity of hearing as no license can be given without N.O.C. from the Police Authorities and in the case of the petitioner, the N.O.C. was cancelled by the Police Authorities. In the absence of N.O.C. from the competent officer, the license was bound to be cancelled.

This Court finds that even if, N.O.C. was cancelled by the Police Authorities since the Act provides for cancellation of license under 2.1.8 of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011, the procedure prescribed in law should have been followed.

The order impugned dated 11.01.2023 is quashed with liberty to the respondents to issue show cause notice to the petitioner within three days from today. The petitioner shall cooperate in the enquiry and in case, the petitioner does not cooperate, it shall be open for the authorities to record reasons for proceeding ex-parte and pass appropriate orders within three weeks from the date of issuance of show cause notice.

Writ petition is allowed only to the aforesaid extent.

Order Date :- 24.2.2023 Ashish