

# **Praveen Kumar Patel @ Pravin Patel vs State Of Jharkhand on 2 December, 2021**

**Author: Sujit Narayan Prasad**

**Bench: Sujit Narayan Prasad**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(C) No.7766 of 2013  
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Praveen Kumar Patel @ Pravin Patel ..... Petitioner Versus

1. State of Jharkhand
2. Commissioner of Food Safety-cum-Principal Secretary, Health, Medical Education & Family Welfare Department, Govt. of Jharkhand, Ranchi, Jharkhand
3. Director-in-Chief, Food Safety, Jharkhand, Nepal House, Doranda, Ranchi, Jharkhand
4. Additional Chief Medical Officer-cum-Designated Officer, Koderma, District-Koderma, Jharkhand
5. Food Safety Officer, Koderma, District-Koderma, Jharkhand
6. Deputy Commissioner, Koderma-cum-Adjudicating Officer, Koderma, District-Koderma, Jharkhand
7. Sub-Divisional Officer (SDO), Koderma, District-Koderma, Jharkhand ..... Respondents

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CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

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For the Petitioner : Mr. Sanjay Kumar Pandey No.2, Adv.

: Mr. Deepak Kumar, Advocate For the State : Mr. Manav Poddar, AC to AAG-I 07/02.12.2021 The instant writ petition is under Article 226 of the Constitution of India for the following reliefs:-

- (i) For issuance of an appropriate writ in the nature of Certiorari for quashing of the Notification No.37 (16) dated 25.07.2012 and Notification No.38 (16) dated

24.07.2013 (Annexure-10 and 10/1) so far the petitioner is concerned, as the Respondents authorities in the garb of aforesaid notifications have sealed the stock of "Zarda" and godown of the petitioner although same is not a "Food" in terms of Food Safety and Standards Act, 2006, moreover the same, being a Tobacco Product is guided/regulated as per the provision of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

(ii) Further prays for the issuance of an appropriate writ or an order or direction commanding upon the respondent to release the sealed stock and godown of the petitioner from the illegal seizure made by the authorities and also compensate the petitioner as the sealed stocks are perishable items and might have already been perished due to laps of time.

Mr. Sanjay Kumar Pandey No.2, learned counsel for the petitioner, on instruction, submits that for selling of "Zarda", a criminal case was also instituted, in which, the petitioner was acquitted, therefore, he is entitled for compensation.

A serious objection has been made by Mr. Manav Poddar, learned AC to AAG-I appearing for the State by taking plea that the amount of compensation cannot be quantified by this Court sitting under Article 226 of the Constitution of India.

Upon this, learned counsel appearing for the petitioner seeks permission to withdraw this writ petition with a liberty to ventilate his grievance before the appropriate Forum.

In view thereof, the writ petition is dismissed as withdrawn with liberty as aforesaid.

In consequence thereof, I.A. No.1119 of 2015 also stands disposed of.

(Sujit Narayan Prasad, J.) Rohit/-