

Court No. - 32

Case :- WRIT - C No. - 32702 of 2023

Petitioner :- Vivek Tiwari

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Shiv Raj Singh

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

1. The grievance of the petitioner in the present petition is that the cold storage owner, where the petitioner had stored his potatoes, is not paying the compensation and the cost of potatoes to the petitioner, even though the potatoes stored in the cold storage were not delivered to the petitioner. The respondent nos. 4 to 9 are the owners of the cold storage.

2. The petition has been filed praying for a mandamus commanding the respondents, i.e. the cold storage owners, to pay compensation to the petitioner or pay the cost of the potatoes to the petitioner or in the alternate, the District Horticulture Officer, Agra be directed to decide the representation filed by the petitioner.

3. The petitioner has the remedy to institute proceedings under Sections 24 and 25 of the Uttar Pradesh Regulation of Cold Storages Act, 1976 (in short 'the Act, 1976) and if the respondent nos. 4 to 9 are found liable to pay any amount to the petitioner, a recovery certificate is to be issued under Section 25 (2) of the Act, 1976 by the concerned District Magistrate. It appears that in this regard, the petitioner has submitted a representation before the District Horticulture Officer, Agra who, in accordance with Section 2 (g) (1) of the Act, 1976, is also the licensing authority and therefore is competent to exercise powers under Sections 24 and 25 of the Act, 1976.

4. The petition is disposed of with a direction to the District Horticulture Officer, Agra to take appropriate action in accordance with law on the representation of the petitioner expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

Order Date :- 18.10.2023

Pratima