

Court No. - 40

Case :- WRIT - C No. - 40244 of 2023

Petitioner :- Dheer Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- P.K. Upadhyay, Asharaphee Lal

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri P.K. Upadhyay, learned counsel for the petitioner and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition has been preferred for the following principal reliefs:-

"(i) Issue a writ, order direction in the nature of certiorari quashing the impugned order dated 17.11.2022 passed by the respondent no.2 and recovery notice dated 31.12.2022 issued by respondent no. 2.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents not to recover the penalty of Rs. 2,70,000/- pursuant to the recovery certificate dated 31.12.2022 issued pursuant to the impugned order dated 17.11.2022 passed by respondent no. 2."

3. Sri Ambrish Shukla, learned Additional Chief Standing Counsel has raised an objection regarding maintainability of the writ petition on the ground that against the order impugned, the petitioner has efficacious alternative remedy of filing an appeal under Section 70 of Food Safety and Standards Act, 2006 and as such, the writ petition is liable to be dismissed on the ground of alternative remedy.

4. Once against the impugned order efficacious alternative remedy is available to the petitioner then there is no reason or occasion for this Court to intervene in the matter.

5. In view of above, the writ petition is disposed of with observation that if the petitioner files an appeal against the impugned order within a week's time from today, the Appellate Authority will decide the same on merits expeditiously.

Order Date :- 23.11.2023

Rama Kant