

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 749 of 2017

- Gujarat Co Operative Milk Marketing Federation Ltd. Through Its Authorize Officer, Mr. Tushar Kanti Roy, Branch Manager, Aged About 48 Year, S/o Late K. N. Roy, C/o M/s Ram Ratan Daga, Hanuman Mandir Road, Gudhiyari, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Food And Safety Department, Mantralaya Naya Raipur District Raipur, Chhattisgarh.
2. Commissioner Of Food Safety, Food And Drug Administration, Block - A, 4th Floor, Indravati Bhawan, Naya Raipur District Raipur, Chhattisgarh.
3. Food Safety Officer, Food And Drugs Department, Kalibadi District Raipur, Chhattisgarh.
4. Designated Officer, Food And Drugs Administration District Raipur, Chhattisgarh.
5. Food Analyst, State Food Testing Laboratory, Food And Drugs Administration, Kalibadi, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For State	:	Shri R.K. Mishra, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/05/2017

1. Heard.
2. At the very outset, counsel for the respondent submits that after seizure of the food articles of milk product on the allegation of misbranding, the instant matter has been referred to the adjudicating authority as specified under Section 52 (2) of the Food Safety & Standard Act, 2006. He submits that Additional District Magistrate, Raipur is a designated adjudicating authority and the petitioner may now approach before the authority for interim custody of the milk product. Learned counsel for the petitioner submits that the matter may

have been referred to the adjudicating authority but the petitioner has not received any notice, so far.

3. Taking into consideration the aforesaid development, I do not consider it necessary to keep the matter pending before this Court. Considering the submission of counsel for the petitioner that if the proceedings are not concluded, material may be rendered unusable after 30th June 2017, it will be proper to direct that the adjudicating authority i.e. the Additional District Magistrate, Raipur shall expeditiously conclude the proceedings. The petitioner shall appear before the authority within a period of one weeks from today. The petitioner may also apply for interim custody on such terms and conditions as may be permissible under the law. The Additional District Magistrate shall do well to conclude the proceeding as early as possible in any case before 30th June 2017. The application for interim custody shall be decided at the earliest, preferably within a period of 15 days.

4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge