

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-45452-2022
Date of Decision: 10.10.2022

M/s. Jai Hanuman Sweets

....Petitioner

Versus

Union Territory of Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aakash Juneja, Advocate, for the petitioner.

Mr. J.S. Toor, APP for U.T., Chandigarh.

HARNARESH SINGH GILL, J.

By way of the present petition, the petitioner seeks quashing of the order dated 12.09.2022 (Annexure P.1) passed by respondent No.2 under Section 133 Cr.P.C., along with the consequential proceedings arising therefrom.

Learned counsel for the petitioner would submit that the petitioner has been running its business from the given address for a very long period by taking requisite measures of hygiene and caution and following the norms of the Food and Safety Department, U.T., Chandigarh; that respondent No.2 has, by passing the impugned order, directed the petitioner to desist/cease from carrying out the bakery business and that such order passed is totally illegal as the petitioner has been condemned without having been afforded any opportunity of hearing.

On the other hand, the learned counsel for the State submits that vide impugned order dated 12.09.2022, the petitioner has simply been asked to appear before respondent No.2-Sub Divisional Magistrate, and thus, there is no cause of action to file the present petition.

I have heard the learned counsel for the parties. However, I do not find any merit in the present petition.

A perusal of the impugned order would show that the same is a conditional one. The petitioner has been directed to appear before respondent No.2 to show cause as to why the conditional order should not be made absolute. This shows that the conditional order has been passed temporarily and the same would be made absolute or otherwise, after hearing the petitioner's part. It further transpires from the impugned order that the petitioner is running the bakery business from the premises without obtaining any licence.

Be that as it may, the right course of action for the petitioner is to appear before respondent No.2 and produce all the relevant documents, including the licence and establish its case that the bakery business is being run as per the norms set out by the Food Safety Department, Chandigarh Administration.

In view of the above, finding no merit in the present petition, the same is hereby dismissed as premature.

10.10.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No