

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

Sr. No.122

CRM-M-9004-2023

Date of Decision : February 20, 2023

Deep Special Mathi and others

...Petitioners

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Davinder Lubana, Advocate, for the petitioners.

Mr. Akashdeep Singh, Addl. P.P. UT, Chandigarh.

SUDHIR MITTAL, J. (ORAL)

The petitioners are running business of sale of various food stuffs in Manimajra. A complaint dated 19.10.2021 was submitted by the Secretary Health-cum-Commissioner Food Safety, U.T., Chandigarh before the Sub-Divisional Magistrate (East), U.T., Chandigarh that the petitioners were running their businesses illegally without having any food licence from the competent authority. Thus, a conditional order dated 12.09.2022 was passed under Section 133 Cr.P.C. and the petitioners were directed to desist from carrying on their business. They were also asked to show cause why the order should not be made absolute. The order was ultimately made absolute vide order dated 13.02.2023 which is under challenge in this petition.

The only argument raised by learned counsel for the petitioners is that the petitioners were holding regular licenses but the same were not renewed by the department concerned. Thus, the impugned order is illegal and deserves to be quashed.

A perusal of the impugned order shows that the petitioners were granted five opportunities to produce authenticated documents/papers but it was not done. Thus, the submission that they were licensees and their applications for renewal thereof were under process cannot be accepted.

No error of procedure has been pointed out.

The petition has no merit and is dismissed.

At this stage, learned counsel for the petitioners submits that the petitioners may be granted another seven days time to close their businesses.

The prayer is accepted. The petitioners shall close their businesses definitely by 27.02.2023. No business shall also be done during this period of one week.

February 20, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No