

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13822 OF 2024

WITH

INTERIM APPLICATION NO.14462 OF 2024

M/s Shri Krishna Farshan Gruh

Smt. Prabhalaxmi Chhotalal Yoganand

... Petitioner

Versus

Secretary (Health)/Commissioner of Food

Safety And Anr.

...Respondents

Mr. Aumkar Joshi for Petitioner.

Mr. Hiten Venegaonkar for Respondents.

Mr. Mehul Shah a/w Ms. Chaitali Jadhav for Applicant in Interim Application No.14462 of 2024.

**CORAM : G.S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 30 JANUARY 2025

P.C.:

1. This writ petition under the Article 226 of the Constitution of India is filed praying for the following substantive reliefs :-

“(a) That this Hon’ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, Order or direction of the same nature, calling for the record and proceedings in connection with the Petitioner’s case from the Respondents and after going through the legality and propriety of the same, this Hon’ble Court be pleased to quash and set aside the impugned Order 30.04.2022 passed by Respondent No.2 (At Exhibit “D” hereto) and the impugned Order dated 3.9.2024 passed by Respondent No.1 (At Exhibit “H” hereto):

(b) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, Order or direction of the same nature, directing the Respondents, their officers and/or any other persons acting on behalf of Respondents not to take coercive steps against the Petitioner in pursuance of impugned Order 30.04.2022 passed by Respondent No.2 (At Exhibit "D" hereto) and the impugned Order dated 3.9.2024 passed by Respondent No.1 (At Exhibit "H" hereto) and allow the Petitioner to carry on their business from Shop bearing Shop no.1, Ground Floor, admeasuring 23.66 square meters situated at Dhudhful Zampa which is towards west-south side of the entire building constructed upon land bearing New City Survey No.PTS-113/173 within the jurisdiction of Diu Municipal area and registration Sub-District Diu, District Diu of Union of Territory of Daman and Diu without any hindrance."

2. We heard the proceedings yesterday (29 January 2025), when we adjourned the proceedings for today to enable Mr. Venegaonkar, appearing for U.T. Administration to take instructions in regard to the contentions as raised on behalf of the petitioner in the impugned orders dated 30 April 2022 passed by Dr. K.Y. Sultan, D.O./Health Officer, Diu and also the further order dated 3 September 2024, passed by the Secretary Health/Commissioner of Food Safety, DNH & DD.

3. Mr. Venengaonkar, on instructions has fairly stated that the impugned orders shall not be acted upon. In view of such stand taken on behalf of the official respondents, we do not intend to delve on the merits

of the petitioner's contentions on the said orders as we accept such statement as made on behalf of the U.T. Administration. Mr. Venegaonkar has also fairly stated that, the concerned Food Safety Officer shall now consider the petitioner's application for renewal of the Food Licence in accordance with law and without in any manner whatsoever influenced by the impugned orders.

4. In view of this of the matter, further adjudication of this petition is not called for. The pending application as filed by the petitioner for renewal of the licence/approval be decided as expeditiously as possible and in any event, within a period of two weeks from today. This considering that the petitioner has already suffered for quite some time, as also, the petitioner is a senior citizen of 79 years, conducting the business in the name and style of M/s Shri Krishna Farshan Gruh.

5. Petition is accordingly disposed of, with keeping open the all contentions of both the parties. No costs.

6. The pending Interim Application No. 14462 of 2024 also does not survive and is disposed of.

[ADVAIT M. SETHNA, J.]

[G.S. KULKARNI, J.]