

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

214

CWP-9009-2017 (O&M)
Date of Decision: 12.12.2022

RAM PAUL

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Arihant Jain, Advocate and
Mr. Arun Jindal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Krishan Daaria, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Mandamus directing the respondents to protect the life, liberty and property of the petitioner at the hands of respondent No.5 and for issuance of further directions to respondents No.1 and 2 to conduct fact finding inquiry in a time bound manner.

During the course of arguments, learned counsel for the petitioner contends that at this juncture, the grievance of the petitioner survives only with respect to failure on the part of the respondent-Authorities to decide the representation submitted by the petitioner. Even though in the written statement filed by respondents No.1 to 4, they have averred in reply to paragraph No.4 that the complaint filed by the petitioner is under active consideration of respondent No.4 and that a decision shall be taken thereupon

by the said respondent i.e. Joint Commissioner, Food and Drug Administration.

Learned State counsel, however, contends that the present petition is not maintainable inasmuch as the samples of the mustard oil and rice brand oil were drawn by the respondents in the year 2013 and that after a delay of nearly four years, the present petition was filed without assigning any reason for such delay. He further alleges that it was a case of misbranding by the petitioner and that four samples, taken by the Food Safety Officers, were declared as 'substandard' and/or 'misbranded'. The said fact was not disclosed by the petitioner and that thereafter, the petitioner was burdened with costs of Rs.40,000/- for each four samples totaling to an amount of Rs.1,60,000/- as imposed by the Adjudicating Officer-cum-A.D.C., Mansa under Rule 3.1.2.(1) of the Food Safety and Standards Rules, 2011 on the complaints bearing No.13944/JS-358-13 to 13947/JS-361-13 filed before the A.D.C., Mansa vide his order dated 13.08.2014. The said order was also upheld by the Presiding Officer, Food Safety Appellate Tribunal, Punjab vide order dated 24.04.2015.

Learned State counsel further contends that insofar as the response to paragraph No.4 is concerned, the Authorities concerned must have already taken a decision on the complaint filed by the petitioner, which was then under active consideration and in case, no such decision is taken thereupon, the Authorities shall pass a speaking and reasoned order thereupon in a time bound manner and preferably within a period of four months after affording an effective opportunity of hearing to the respective parties.

Learned counsel for the petitioner, thus, submits that he would be satisfied with the aforesaid direction and does not press the instant petition.

Accordingly, the present petitioner is disposed of as not pressed at this stage, with a further direction that the respondent-Authorities shall take a decision on the complaint pending adjudication with respondent No.4 (as is mentioned in paragraph No.4 of the written statement filed by the respondents No.1 to 4) in a time bound manner and preferably within a period of four months from the date of receipt of certified copy of this order after affording an effective opportunity of hearing to the respective parties. The petitioner shall appear before the respondent No.4 on 10.01.2023, whereafter, further proceedings in accordance with law and the directions as above shall be undertaken by the competent Authority.

Present petition stands disposed of accordingly.

Any other misc. application(s) also stand(s) disposed of accordingly.

12.12.2022.

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No