

Court No. - 39

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Case :- WRIT - C No. - 17139 of 2021

Petitioner :- Ikrar Husain

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rakesh Pati Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Deepak Verma, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

The petitioner is having a license under the Food Safety and Standards Act, 2006 as a retailer. It is valid upto 21.1.2022. By impugned order dated 9.2.2021, respondent no. 3, Food Safety Officer, Tehsil Sadar, Pilibhit, has cancelled the license on the ground that petitioner is doing business of selling buffalo meat, which is hurting the sentiments of a particular community.

Learned counsel for the petitioner submitted that the impugned order has been passed without any notice or opportunity of hearing to him. In this regard, specific assertion has been made in para 18 of the writ petition.

In the instructions supplied to learned Standing Counsel, there is no denial to the above plea, nor any material has been enclosed along with the instructions, demonstrating that any notice or opportunity of hearing was given to the petitioner before passing the impugned order. We therefore hold that the impugned order has been passed in violation of principles of natural justice. It is accordingly quashed, with liberty reserved in favour of the respondents to pass a fresh order after notice and opportunity of hearing to the petitioner.

The petition stands allowed to the extent indicated above.

(Deepak Verma, J.) (Manoj Kumar Gupta, J.)

Order Date :- 2.9.2021

Jaideep/-