

(2014) 02 MP CK 0123
In the Madhya Pradesh High Court
Case No : W.P. No. 18088 of 2012

Babulal Yadav

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Food Safety and Standards Act, 2006 — Section 26(2)(11), 70, 71

Citation : (2014) FAJ 519

Hon'ble Judges : Sanjay Yadav, J

Bench : Single Bench

Advocate : Mahendra Pateria, Learned Counsel, Advocates for the Appellant;
S.S. Bisen, Learned Govt. Advocate, Advocates for the Respondent

Judgement

Sanjay Yadav, J.—This petition under Article 226 of the Constitution of India is directed against the order dated 6.10.2012. Notices were issued by the Additional District Magistrate in Case No. 19 (B121) 2011-12, State of M.P. v. Shri Satsang Yadav alias Manoj Yadav. The proceedings were under the Food Safety and Standards Act, 2006 and the Food Safety and Standards Rules, 2011; wherein the said Satsang @ Manoj Yadav was found guilty of offence under Section 26(2)(11) of 2006 Act and has been punished with a penalty of Rs. 25,000. Notices were issued to respondents. Respondents have raised the preliminary objection as to maintainability of present petition on two grounds; firstly, the petitioner Babulal has no locus standi to question the order dated 6.10.2012 which indicts Satsang@ Manoj Yadav of the offence under Section 26(2)(11) of 2006 Act and, secondly an appeal under Sections 70 and 71 of Act, 2006 lies against the impugned order.

2. The petitioner since fails to establish that in" place of Satsang@ Manoj Yadav the penalty is being executed against him, he cannot be said to be a person aggrieved. For a person to be aggrieved it must be a person who has suffered a legal grievance, a man against whom a decision is pronounced which has

wrongfully deprived him of something. It has been observed by a. Division Bench of Kerala High Court in V.D. Kumarappan Vs. Secretary, Home Department, Trivandrum, .

"5....The words "affected by the order", in law must therefore imply, that the order must bring about or produce a change in the petitioner's legal rights. In short, the words "affected" and "aggrieved", though not synonymous are analogous. I think, adopting partially the language of Ferris in his work on Extraordinary Legal Remedies, page 199, an order may be said to affect a person when it is directed against him or his property in the sense that the enforcement of the decision would involve some special, immediate and in its effect a direct Injury to his interests. I am not satisfied that this has been established by the petitioner."

3. In the case at hand the petitioner since fails to establish the legal consequence which he suffers from the impugned order, he is not a person aggrieved as could maintain the present petition. In view whereof petition fails and is dismissed. No costs.