

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.711 OF 2021**

Kohinoor Roy

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mrs. S. Debbarman, Advocate.

For the Respondent(s) : Mr. K. De, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 13.03.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

In this instant writ petition, the petitioner has sought necessary direction upon the respondents to renew the Pharmacy Registration Certificate, which was issued in favour of the petitioner on 18.02.2017. The respondents have not been renewing the Pharmacy Registration Certificate. The petitioner is the license holder issued under the Drugs and Cosmetics Act, 1940. The Deputy Drug Controller i.e. the competent Authority under the Act issued License No.10,182 in

Form-20 on 23.09.1992 to Kohinoor Roy, proprietor of Central Medicine Clinic, i.e., the petitioner herein for selling drugs, other than those prescribed in Schedule C, C(1), and X at his own premises situated at Central Road, Dharmangar. In this circumstance, the petitioner has filed this instant writ petition praying for the following reliefs:-

"i) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and direction of like nature shall not be issued directing the respondents to renew the Pharmacy Registration Certificate of the petitioner.

ii) Quash and cancel the letter, dated, 31.02.2020, issued by the Registrar Cum Secretary, TSPC.

iii) Make the rules absolute.

iv) Call for records.

v) Pass any further order/orders as this Hon'ble High Court considered fit and proper."

2. Heard learned counsel appearing for both parties and perused the evidence on record.

3. During the course of the argument, Mr. Roy Barman, learned Sr. counsel assisted by Ms. S. Debbarman, learned counsel appearing for the petitioner submitted that aggrieved by the cancellation order of his pharmacy license dated 31.01.2020, the petitioner has represented the matter before the respondents dated 10.02.2020 and the same is pending for consideration. That apart, he has further represented that similarly placed candidates were issued Pharmacy license certificates by the respondents and one such

case is WP(C) No.453 of 2022 filed by one Shri Dilip Ghosh which is also listed before this Court today along with this present matter. During the course of the argument, Mr. Sankar Lodh, learned counsel appearing for the petitioner is the WP(C) No.453 of 2022 placed on record the Pharmacy Registration Certificate issued by respondents and accordingly he indicated that he is not pressing the said writ petition and the same may be closed since he has got the relief from the respondents.

4. Mr. P. Roy Barman, learned Sr. counsel appearing for the petitioner herein placing weightage on the said action of the respondents and the submission made by Mr. S. Lodh, learned counsel pleads before this Court that his case is also similarly placed and the respondents ought to have considered the same and if the matter is remanded back to the respondents they would definitely take a wise decision without any discrimination.

5. In view of the said submission, without expressing any opinion on the merits, this writ petition is disposed of directing the respondents to consider the case of the petitioner in accordance with the law as expeditiously as possible.

6. With the above observation and direction, this instant writ petition stands disposed of. As a sequel, pending application(s), if any, also stands closed.

CHIEF JUSTICE (ACTING)

suhanjit

