

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.22 of 2024

Manika Debnath, wife of Sri Dipankar Debnath, resident of Noagaon,
Krishnanagar, Agartala, West Tripura, Pin-799006.

.....Appellant(s);

Versus

1. The State of Tripura, (to be represented by) the Secretary, Health and Family Welfare Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010;
2. The Secretary, Health and Family Welfare Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010;
3. The Drugs Controller, Govt. of Tripura, Office of the Drugs Controller, Pandit Nehru Complex, Kunjaban, Agartala, West Tripura, Pin-799006;
4. The Deputy Drugs Controller, Govt. of Tripura, Office of the Deputy Drugs Controller, Pandit Nehru Complex, Kunjaban, Agartala, West Tripura, Pin-799006;

.....Respondent(s);

For Appellant(s)	: Mr. Purusuttam Roy Barman, Sr. Advocate, Mr. Dipjyoti Paul, Advocate.
For Respondent(s)	: Mr. Mangal Debbarma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

ORDER

04/08/2025

This writ appeal is preferred against the judgment and order of the learned Single Judge refusing to set aside an order dated 21.02.2023 of the Secretary, Health & Family Welfare Department, Government of Tripura, and refusing to direct the respondents to grant restricted license in Form 20A & 21A in favour of the appellant under the Drugs and Cosmetics Rules, 1945.

2. The learned Single Judge, in the impugned order held that under Rule 62A of the Drugs & Cosmetics Rules, 1945, there is a discretion conferred on the licensing authority to take into account the number of licenses granted in the locality during the year immediately preceding, and in the reports submitted by the Drug Licensing Authority, it is noted that there are 10(ten) nos. of retail licensed medicine shops in Form – 20 & 21 within four km radius of the proposed shop, and the committee had also opined that there is no requirement or merit to issue a restricted license in the said area. The licensing authority on 21.09.2022 turned down the request of the appellant and this was confirmed by the appellate authority. Both the primary authority as well as the appellate authority have taken into account the fact that the area where the appellant wanted to set up shop was well connected and there were sufficient retail medicine shops available in the surrounding area.

3. Though the counsel for the appellant sought to contend that the appellant had a right to do business under Article 19(1)(g) of the Constitution of India, and that this fundamental right cannot in any way be interfered with by the respondents, Clause(6) of Article - 19 specifically states that the State is not prevented from imposing reasonable restrictions on the exercise of the right conferred under Article 19(1)(g).

4. In the facts and circumstances of the case, we are satisfied that the discretion vested in the licensing authority has been properly exercised

keeping in mind the existence of a number of other shops with licenses in the area in question.

5. We, therefore, do not find any error in the judgment of the learned Single Judge warranting interference in appellate jurisdiction.

6. Accordingly, the instant appeal fails and is dismissed. Pending application(s), if any, shall stand disposed of. No costs.

(S. DATTA PURKAYASTHA, J)

(M.S. RAMACHANDRA RAO, CJ)



सत्यमेव जयते