

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 976 of 2012 (V)

PETITIONER:

TALENTINDIA,
1601, KARNAVATI ESTATE, GIDC
PHASE-III, VATVA, AHAMEDABAD
GUJARAT-382445 REPRESENTED BY ITS ZONAL
MANAGER P.V. GEORGE.

BY ADVS.DR.S.GOPAKUMARAN NAIR (SR.)
SRI.M.CHANDRA BOSE
SRI.A.RAJASIMHAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
PUBLIC HEALTH DEPARTMENT, GOVERNMENT SECREETARIAT
THIRUVANANTHAPURAM-1

2. DRUGS CONTROLLER,
OFFICE OF THE DRUGS CONTROLLER, STATUE
THIRUVANANTHAPURAM-1

3. ASSISTANT DRUGS CONTROLLER,
OFFICE OF THE ASSISTANT DRUGS CONTROLLER
KANNUR-670001.

* Addl.4. BURGEON PHARMACEUTICALS PVT. LTD.
83, SENGUNDRAM VILLAGE, GOKULAPURAM
SINGAPERUMAL KOIL - 603204.

[ADDL.R4 IS IMPEADED AS PER ORDER DATED 23.01.2012 IN
IA.865/2012]

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

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APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: NOTARISED COPY OF THE CERTIFICATE OF RENEWAL OF
LOAN LICENSE.

EXHIBIT P2: TRUE COPY OF THE WRAPPER OF THE PRODUCT.

EXHIBIT P3: TRUE COPY OF THE CERTIFICATE OF TRADE MARK
REGISTRATION.

EXHIBIT P4: TRUE COPY OF THE WRAPPER OF THE VOLVO - 0.3

RESPONDENTS' EXHIBITS : NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

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Dated this the 20th day of May, 2015

JUDGMENT

This writ petition is filed for the following reliefs:

- i. Issue a writ of mandamus or any other writ, order or direction directing the respondents not to obstruct the marketing and sale of the petitioner firm's Ext.P2 product VALVO CR-300.*
- ii. Declare that the oral ban order issued by the 2nd and 3rd respondents stopping the marketing and sale of petitioner firm's Ext.P2 product is illegal and without any jurisdiction.*

2. By interim order dated 22.2.2012, this Court directed respondents 2 and 3 to permit the petitioner to sell their drug- VALVO CR-300. However, respondents 2 and 3 were given liberty to take appropriate decision in the matter after hearing the petitioner and the additional 4th respondent. The issue relates to sale of drugs and the grievance of the petitioner is over the obstruction caused by the respondents in marketing and sale of the product VALVO CR-300.

3. When the matter came up for hearing, the learned Government Pleader made available a copy of order No.L-

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:2:

550/2012/DC dated 28.3.2012 of Drugs Controlling Authority, Kerala State, by which the drug with name "VALVO" manufactured by the petitioner has been permitted for sale in the State of Kerala. Simultaneously the drug "Volvo" manufactured by the 4th respondent has been prohibited for sale in the State.

In the light of the above order, I am of the view that no further relief is required in this matter. Accordingly, recording the above order passed by the Drugs Controlling Authority, Kerala State - the 2nd respondent, the writ petition is closed.

Sd/-
P.V.ASHA,
JUDGE.

rkc