

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 9889 of 2015 (I)

PETITIONER :

**KOLAMBIL HAMZA,
S/O.SAIDALAVI, KOLAMBIL HOUSE,
MADEENA MEDICALS, NEAR BUS STAND,
KOTTAACKAL, NEAR BUS STAND, KOTTAACKAL,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

- 1. THE ASSISTANT DRUG CONTROLLER AND
LICENSING AUTHORITY, KOZHIKODE-671 001**

***ADDL.R2 IMPEADED**

***ADDL.R2: SECRETARY,
HEALTH AND FAMILY WELFARE FUND.**

***ADDL.R2 IS IMPEADED AS PER JUDGMENT DATED 27/03/2015**

BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SHOW CAUSE NOTICE NO.A3/1966/14/ADC/KDE DATED 6/5/2014 ISSUED BY THE RESPONDENT.
- P2 COPY OF THE REPLY DATED 15/5/2014 ALONG WITH ITS TRUE ENGLISH TRANSLATION SENT BY THE PETITIONER TO THE RESPONDENT.
- P3 COPY OF THE ORDER NO.A3-1966/2014/ADC/KDE KOZHIKODE DATED 23/5/2014 ISSUED BY THE RESPONDENT.
- P4 COPY OF THE SHOW CAUSE NOTICE NO.A4-3901/2014/ADC/KDE KOZHIKODE DATED 3/9/2014 ISSUED BY THE RESPONDENT ALONG WITH ITS TRUE ENGLISH TRANSLATION
- P5 COPY OF THE LETTER NO.A2.4066/2014/ADC/KDE DATED 24/9/2014 ALONG WITH ITS TRUE ENGLISH TRANSLATION ISSUED BY THE RESPONDENT.
- P6 COPY OF THE REPLY DATED 17/9/2014 ALONG WITH ITS TRUE ENGLISH TRANSLATION SENT BY THE PETITIONER TO THE RESPONDENT.
- P7 COPY OF THE ORDER NO.A4-3901/2014/ADC/KDE DATED 4/3/2015 ISSUED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9889 of 2015

Dated this the 27th day of March, 2015

The petitioner has approached this Court with the following prayers:

“(i) Issue a writ of certiorari or any other appropriate writ, order or Direction, quashing Exhibit P-7 order issued by the Respondent.

(ii) to issue such other directions or orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case.”

2. The learned counsel for the petitioner points out that, there is no rhyme or reason for having passed Ext.P7 order whereby the licence of the petitioner has been suspended for a period of 10 days. The factual position referred to in Ext.P7 is also sought to be disputed. The version of the petitioner is that, the sequence of events as noted in Ext.P7 is not correct and that no act/offence has been committed by the petitioner, contrary to the provisions of the law. The learned counsel for the petitioner points out that the factual position was highlighted by the petitioner vide Ext.P6 and as such, the observation made by the concerned respondent to the contrary in Ext.P7 is not liable to be sustained.

3. Heard the learned Government Pleader as well who points

out that, the petitioner is a habitual offender as observed in Ext.P7 with reference to the sequence of events. It is also points out that, the said order was served upon the petitioner on 18.03.2015 and that the period of suspension is only for 10 days. It is also pointed out that Ext.P7 is an appealable order and as such, the petitioner is not justified in rushing to this Court by filing the writ petition.

4. After hearing both the sides, the writ petition is disposed of, with liberty to the petitioner to move the appellate authority by way of appropriate proceedings. So as to enable the petitioner to pursue the remedy as above, the Secretary, Health and Family Welfare Fund is impleaded as Additional 2nd respondent in the party array and the learned Government Pleader entered appearance on behalf of the said respondent. If any such appeal is filed before the additional 2nd respondent as above, the same shall be considered and appropriate orders shall be passed in accordance with law, after hearing the petitioner, as expeditiously as possible, at any rate, within one month.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the additional 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE