

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 35966 of 2009 (M)

PETITIONER(S):

**PONNAMMA K.K., (PROPRIETRIX),
M/S.POONAM ASSOCIATES, PHARMACEUTICALS
DISTRIBUTORS, XXV/724/1, MANNATH LANE, THRISSUR.**

**BY SRI.P.RAVINDRAN, SENIOR ADVOCATE.
ADVS. SRI.P.DEEPAK,
SMT.APARNA RAJAN.**

RESPONDENT(S):

- 1. DRUGS CONTROLLER OF KERALA,
OFFICE OF THE DRUGS CONTROLLER, TRIVANDRUM.**
- 2. THE ASSISTANT DRUGS CONTROLLER,
OFFICE OF THE ASSISTANT DRUGS CONTROLLER,
KAKKANAD, KOCHI.**
- 3. M/S.SUN PHARMACEUTICALS INDUSTRIES LTD.,
ACMA PLAZA, ANDHERI- KURLA ROAD,
ANDHERI EAST, MUMBAI.**
- 4. M/S.MANKIND PHARMA LIMITED,
31/1596, F. THAMMANAM, PULLEPPADY ROAD,
THAMMANAM, ERNAKULAM -682 032.**
- 5. M/S.SOLVAY PHARMA INDIA LIMITED,
BEHIND CENTRAL EXCISE AND INCOME TAX OFFICE,
ERNAKULAM.**
- 6. M/S.NAUDIN PHARMA, CONSIGNEE AGENT FOR
M/S.MED MANOR ORGANIC PRIVATE LTD.,
OPPOSITE CALVERY ASHARAM, THRISSUR.**

**R1 & R2 BY GOVT. PLEADER SRI.VIJU THOMAS.
R4 BY ADV. SRI.BECHU KURIAN THOMAS.
R5 BY ADVS. SRI.P.R.VENKETESH,
SRI.P.R.RAJA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LICENSE.
- EXT.P1A COPY OF THE LICENSE.
- EXT.P2 COPY OF THE ORDER IN WP(C).NO.24240/2009 DATED 24/08/2009.
- EXT.P3 COPY OF THE COMPLAINT DATED 17/11/2009.
- EXT.P4 COPY OF THE COMPLAINT DATED 18/11/2009.
- EXT.P5 COPY OF THE COMPLAINT DATED 22/09/2009.
- EXT.P6 COPY OF THE COMPLAINT DATED 22/09/2009.
- EXT.P7 COPY OF THE COMPLAINT DATED 17/11/2009.
- EXT.P8 COPY OF THE COMMUNICATION DATED 20/11/2009.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.35966 of 2009

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Dated this the 25th day of September, 2015

JUDGMENT

The petitioner is a licensed wholesale distributor of Drugs and Medicines in the Thrissur district. He alleges that the licence granted to him under the Drugs and Cosmetics Act is valid till 22.5.2010. The petitioner further alleges that in spite of valid licenses, respondents 3 to 6, who are drug manufacturers, and their consignee agents refused to supply medicines due to pressure from a rival association of chemists and druggists. The petitioner points out that under the Drugs (Price Control Order, 1995), there is a statutory obligation for drug manufacturers to supply medicine to dealers. The grievance of the petitioner is that though representations were filed against the action of respondents 3 to 6 to the authorities concerned, it could not evoke any positive response. It is with this background, the petitioner has approached this Court.

2. This Court by interim order dated 15.12.2009 has directed that private respondents would ensure supply of drugs to the petitioner on appropriate demand.

As the very purpose sought to be achieved by filing this writ petition has been served by the above interim order, the writ petition is closed making the interim order absolute.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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