

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.30254 of 2015

Abhishek Jain

... Petitioner

Vs.

1. Union of India,
Rep. By the Secretary to Government,
Ministry of Health & Family Welfare,
Department of Health, New Delhi.
2. State of Tamil Nadu,
Rep. By the Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
3. The Director of Drugs Control,
No.359, Anna Salai,
Teynampet, Chennai - 6.
4. The Assistant Director of Drugs Control,
Zone II, Chennai - 6.
5. The Drugs Inspector,
Villivakkam Range,
O/o. The Assistant Director of Drugs Control,
Zone II, Chennai - 6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the first respondent to issue appropriate clarification that the 'Embryo Transfer Catheter sets' do not fall under the term 'Catheter' as incorporated in the Notification dated 06.10.2005 issued in pursuance of Section 3(b)(iv) of the Drugs and Cosmetics Act, 1940, and hence shall not be come within the definition of 'Drug' in the said Act, 1940, so as to enable the petitioner to be relieved from facing the criminal case launched against him.

For Petitioner : Mr.M.Ravi
For R1 : Mr.T.V.Krishnamachari
For R2 to R5 : Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

A Notification dated 06.10.2005 was issued by the first respondent in pursuance of Section 3(b)(iv) of the Drugs and Cosmetics Act, 1940. In pursuant to the said notification dated 06.10.2005, the petitioner made a representation on 03.08.2015 seeking clarification as to whether the Transfer Catheter would fall under the device Catheter as per the notification. On non-consideration of the same, now the petitioner has come forward to file the present writ petition seeking early disposal of the said representation.

2. Considering the limited prayer of the learned counsel for the petitioner, without going into the merits of the matter, a direction is issued to the first respondent to pass appropriate orders on the representation of the petitioner dated 03.08.2015 in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. No Costs. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rkm

To

1. The Secretary to Government,
Ministry of Health & Family Welfare,
Department of Health,
New Delhi.

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2. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
3. The Director of Drugs Control,
No.359, Anna Salai,
Teynampet, Chennai - 6.
4. The Assistant Director of Drugs Control,
Zone II, Chennai - 6.
5. The Drugs Inspector,
Villivakkam Range,
O/o. The Assistant Director of Drugs Control,
Zone II, Chennai - 6.

+1cc to Mr.T.V.Krishnamachari, Advocate, S.R.No.54269
+1cc to Mr.M.Ravi, Advocate, S.R.No.54336
+1cc to the Government Pleader, S.R.No.54412

W.P.No.30254 of 2015

MSM(CO)
CA(08/10/2015)



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