

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.39298 of 2015

ORDER:

Heard.

On the basis of the inspection by the 3rd respondent and on finding that ten varieties of drugs marked as "Government Supply Not For Sale" were found in possession of the petitioner, the drugs were seized under a panchanama, dated 04-01-2015. The petitioner was thereafter given a show-cause notice, dated 18-03-2015 by the 2nd respondent requiring him to show cause. However, since the petitioner failed to submit any explanation, cancellation of licence was ordered by subsequent proceedings of the 2nd respondent. The said order is questioned in this writ petition inter alia on the ground that the petitioner did not submit explanation within time but that was given only on 28-05-2015 i.e., after cancellation order.

The said order of cancellation is referable to Rule 66 of the Drugs and Cosmetics Act, 1940 and under sub-clause (2) thereof, the petitioner has a right of appeal within three months to the State Government. Though the order is dated 16-04-2015, Ex.P-2 shows that the said order was served on the petitioner only on 30-11-2015 under his acknowledgment. Unless the order is served, the petitioner cannot be expected to prefer an appeal.

Since there is an efficacious alternative remedy of appeal before the State Government, there is no reason to entertain the writ petition, as the appellate authority can as well consider the explanation of the petitioner as aforesaid and

pass appropriate orders in such appeal.

Accordingly, the writ petition is disposed of. Since the order is served on the petitioner on 30-11-2015, the petitioner is entitled to prefer an appeal within the time prescribed from the date of serving of the order.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 03-12-2015

Prv

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03-12-2015

Prv