

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12113 of 2016

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M/s. Megha Enterprises represented by Smt. Jaya Kumari W/o Sri Deepak Kumar R/o 402 Hytec, Janki Complex, R.K.Avenue Road, Rajendra Nagar Patna, P.S. - Kadamkuan Distt. - Patna Premises situated at D - 3 Ground Floor, Uday Palace G.M Road Patna - 4 Dist. Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
2. The State Drug Controller-Cum-Chief Licensing Authority, New Secretariat, Bihar, Patna.
3. The Licensing Authority, Drug Control Administration, Municipal Area, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr. Ajay, G.A. 5

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the impugned order dated 18.7.2016 for which he has filed an appeal on 25.7.2016 but the appellate authority has not yet disposed of the same although the drug licence of the petitioner has been suspended for a period of 30 days.

It is submitted by learned counsel for the petitioner that such imposition of suspension of licence has a serious effect upon the petitioner of not doing its business for a month, apart from the fact that in a case of dealing in drugs and pharmaceuticals a period of one month would also affect the salability of drugs because of the expiry period. It is submitted by learned counsel for the petitioner that in such matters the appeal ought to have been disposed of within a period of 3-4 days but the same has not been

done which would render the appeal itself infructuous because of pendency of the appeal. It is also submitted by learned counsel that that has been the fate of the appeals filed during the year and merely a few of the appeals have been disposed of.

In support of the aforesaid stand, learned counsel produces before this Court the orders of this Court in earlier matters, including one dated 12.7.2016 passed in CWJC No. 10256 of 2016 wherein the same situation has been observed.

Once appeals are filed, it is the duty of the appellate authority to ensure that the same are disposed of within a reasonable period of time; in cases where the orders operate for a period of 30 days, it is incumbent upon the appellate authority to dispose of such matters within a period of 3-4 days, at best, from the filing of the appeals, otherwise the very filing of the appeals serves no purpose as the same would invariably become infructuous with the passage of time.

In the aforesaid circumstances, the writ application is disposed of with the direction to the appellate authority to dispose of the appeal filed by the petitioner within a period of three days from the date of receipt/production of a copy of this order.

Until the disposal of the appeal, the impugned order dated 18.7.2016 shall remain stayed.

(Ramesh Kumar Datta, J)

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