

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9986 of 2016

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M/s Shiva Biogenetic Pharmaceuticals (P) Ltd.at village-Manpur Baddi,
Tehsil-Nalagarh,District-Solan(H.P.) through its signatory Shailendra
Kumar Singh son of Late Sharda Raman Singh, North Congress Maidan,
P.O. & P.S. Kadam Kuan,Patna-800003

.... Petitioner/s

Versus

1. The Union of India through the joint Secretary, Ministry of Health &
Family Welfare, Government of india,Room No.151-a, NirmanBhawan
New Delhi-110011
2. The Drugs Controller General (India), Directorate General of Health
Services, FDA Bhawan, CHEB Campus,Kotla Road, New Delhi- 110002

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Alok Kumar Jha, C.G.C.
Mr. Abhishek Kumar

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

7 19-09-2016 Learned Additional Solicitor General raises a preliminary objection with regard to the maintainability of the writ petition before this Court. It is submitted by him that the petitioner-manufacturing unit is situated in the State of Himachal Pradesh. The alleged drug licence has also been obtained from Himachal Pradesh. Further, according to the learned Additional Solicitor General, there is no pleading in the writ petition that any cause of action has arisen within the territorial jurisdiction of this Court.

Learned counsel for the petitioner is unable to show how the writ petition can be maintained before this Court, except to

state that the authorized signatory of the petitioner-company resides in Patna. The same cannot be a ground for filing of the writ petition before this Court.

In the above circumstances, the writ application is dismissed as not maintainable.

However, it is made clear that since the writ application has been dismissed on the ground of lack of territorial jurisdiction, the petitioner shall have liberty to take recourse to the appropriate forum in the matter in accordance with law.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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