

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10150 of 2016

=====

1. M/s German Homeo Pharmacy, Bichli Raod, Ara, through its proprietor Sri Umesh Tiwari, son of Late Vishwanath Tiwari, resident of Mohalla-Kesharpur Bakhari, P.S. Udwant Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The State Drug Controller cum Licensing Authority, Department of Health, 4th Floor, Vikash Bhawan, New Secretariat, Patna.
3. The Drugs Inspector, Bhojpur, Ara.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.10209 of 2016

=====

1. M/s Economic Homeo Pharmacy, Bichli Road, Ara, through its proprietor Sri Rajesh Kumar son of Sri Vijay Prasad resident of Mohalla Tari Muhalla, P.S. Ara Town, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Drug Controller cum Licensing Authority, Department of Health, 4th Floor, Vikash Bhawan, New Secretariat, Patna.
3. The Drugs Inspector, Bhojpur, Ara.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.11564 of 2016

=====

1. M/s Bihar National Pharmacy, Bichli Road, Ara, through its Proprietor Sri Bhashkar Kumar Sinha son of Late Nakul Kumar, resident of Mohalla Tari Muhalla, P.S. Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Drug Controller cum Licensing Authority, Department of Health, 4th Floor, Vikash Bhawan, New Secretariat, Patna.
3. The Drugs Inspector, Bhojpur, Ara.

.... Respondent/s

=====

with

Civil Writ Jurisdiction Case No.10273 of 2016

=====

M/s K. R. Indo German Homeo Hall, Bichli Road, Ara, through its proprietor Sri Vikash Kumar Mishra, son of late Santosh Kumar Mishra,



resident of Mohalla Mahajan Toli, Ara, P.S. Ara Town District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The State Drug Controller cum Licensing Authority, Department of Health, 4th Floor, Vikash Bhawan, New Secretariat, Patna.
3. The Drugs Inspector, Bhojpur, Ara.

.... Respondent/s

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 15-11-2016

Heard Mr. Sandip Kumar in support of the writ applications and the respective State counsel(s) .

As the issues raised in all the writ applications are identical, they have been heard together with the consent of the parties and are being disposed of by the present order.

Petitioners of all the present writ petitions are the licensee(s) under the Drugs and Cosmetics Act, 1940 (for short 'the Act'). They are aggrieved by the order of cancellation of their licence to trade in the Homeopathic Medicine passed by the Licensing Authority under Section 106B of the Act.

Diverse submissions have been advanced by Mr. Kumar in support of the application. It is submitted that several writ petitions raising the identical issues have been heard and disposed of with an observation that petitioners of those applications would pursue the appeal filed before the State Government and during the pendency of such appeal, stay has been granted of the operation of the impugned order. A web copy

of the order dated 29.03.2016 passed in CWJC No. 5730 of 2016 has been handed in by Mr. Kumar which is taken on record and marked 'Y' for identification.

There is agreement at Bar that the order(s) challenged in the present writ petition is/are appealable under Section 67 H(2) of the Act. Mr. Sazid Salim Khan SC-25 who appeared in CWJC No. 10209 of 2016, on going through the order presented by Mr. Kumar, has not disputed the contention that interim stay has been granted while relegating the petitioners of the previous case(s) to the appellate forum.

Considering the facts and circumstances of the case as also the stand taken by the parties, the present batch of writ petitions are also disposed of granting the petitioners liberty to file appeal before the State Government in accord with the Rule provisions. No sooner the appeals are presented by the petitioners, the operation of the impugned order passed by the licensing authority shall become inoperative until disposal of the appeal in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--