

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20795/2016

K.P.Natarajan

.. Petitioner

Versus

1.The Director of Drugs Control
Zone III, No.359, Anna Salai
Teynampet, Chennai 600 006.

2.The Drug Inspector
Zone III, No.359, Anna Salai
Teynampet, Chennai 600 006.

3.Mr.S.Manivannan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 and 2 herein to consider and dispose of the petitioner's representation dated 07.09.2015 with regard to take action against including but not limited to cancellation of license granted to Mr.S.Manivannan, M/s.Karaneeswarar Medicals, No.42/26, East Jones Road, Back side of Balaji Singh Street, Saidapet, Chennai 600 015.

For Petitioner : M/s.S.P.Arthi

For RR 1 & 2 : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that he is the owner of the premises bearing Door No.42, Balaji Singh Street, Saidapet, Chennai-15 and a portion of the said premises has been leased out in favour of the 3rd respondent herein who runs a medical shop/pharmacy under the name and style of "Karaneeswarar

Medicals". It is further stated that there is a long drawn litigation between them in the form of Rent Control Eviction Proceedings as well as the suit pending on the file of the Court of Small Causes and City Civil Court respectively. The petitioner also sought an information to the Information Officer attached to the 2nd respondent, seeking details of the license to run the medical shop granted in favour of the 3rd respondent and a reply was sent by the 2nd respondent on 31.08.2015, furnishing a copy of the lease deed given by the 3rd respondent. According to the petitioner, the said Lease Deed is nothing but a fabricated and forged one and the petitioner has not subscribed the signature. The petitioner, in this regard, has submitted a representation dated 07.09.2015 to the 2nd respondent stating among other things, that the 3rd respondent has violated the relevant norms and regulations and also indulged in fabrication of the records as well as forgery and therefore, prayed for appropriate action and since no response is forthcoming, he is constrained to file the present writ petition.

3 The learned counsel for the petitioner would submit that as per Rule 64 of the Drugs and Cosmetics Rules, 1945, certain conditions have to be satisfied before obtaining a license and as per Rule 65-A, there are additional information to be furnished by an applicant to get a license from the Licensing Authority and the 3rd respondent did not comply with the same and it has also been brought to the knowledge of the 2nd respondent in the form of representation and since no response is forthcoming, the petitioner has approached this Court by filing the present writ petition.

4 Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in this writ petition or in his representation, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 07.09.2015 on merits and in accordance with law, after putting on notice the 3rd respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and to the 3rd respondent herein.

6 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Drugs Control
Zone III, No.359, Anna Salai
Teynampet, Chennai 600 006.

2.The Drug Inspector
Zone III, No.359, Anna Salai
Teynampet, Chennai 600 006.

+1cc to M/S.S.P.Arthi, Advocate Sr.33851

W.P.No.20795/2016

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srg 06/07/2016

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