

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.176 of 2017

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1. M/s Shiv Shankar Homeo Pharmacy, M.P.D. Road, District-Bhagalpur, engaged in Sale and Distribution of Homeopathic Medicines and Being Represented through its Proprietor Sri Arvind Kumar Churiwala S/o Sri Radhey Shayam Churiwala, resident of Jairam marwari Lane, P.O.-Sujaganj, P.S.-Kotwali, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of Health and Family Welfare, Govt. of Bihar, Patna
2. The State Drug Controller-Cum-Chief Licensing Authority, Directorate of Health Services, Bihar, Patna
3. The Assistant State Drug Controller-Cum-Licensing Authority, Directorate of Health Service, Urban region, Bhagalpur
4. The Drug Inspector, Drugs Control Administration Urban Region, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Avinash Kumar

For the State : Mr. Birju Prasad- GP13
Mr. Ravi Kumar,
Mr. Ashok Kumar, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 16-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is challenging the action of the Licensing Authority, Directorate of Health Services, Urban Region, Bhagalpur contained in Memo No.211/Health dated 23.11.2015 by which he has cancelled the licence nos.91 of 2014(U) and 91A of 2014(U) in exercise of power under Rule 67(H) of the Drugs and Cosmetics Rule,



1945 (hereinafter referred to as the Act).

The ground which has been raised by the petitioner is that the licensing authority has not given proper notice and proper chance of placing his case wrongly exercise the power under the Act and cancelled his licence.

Against the order of the licensing authority dated 23.11.2015 petitioner has filed an appeal before the Appellate Authority vide Appeal No. 13 of 2016 which is pending before the Appellate Authority till date.

In such circumstances, this Court directs the Appellate Authority to dispose of the appeal by a reasoned order after giving proper opportunity of hearing to the petitioner.

Till disposal of the appeal the petitioner is allowed to carry his business.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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