

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17597 OF 2010

ORDER :

Heard Sri T.Rajanikanth Reddy, learned counsel for the petitioners and learned Government Pleader for Medical, Health and Family Welfare.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the first respondent in passing the order in Rc.No.2943/M3B/2010, dated 15.07.2010, as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India.

3. In order to appreciate the case, it would be useful to extract relevant portion of the order dated 15.07.2010, which reads as under:

“.....

Therefore, you are hereby directed to take notice and show cause under Rule 85(2) of the Drugs and Cosmetics Rules, 1945 and explain as to why your Drug License should not be suspended/cancelled for the violations reported above. Your explanation should reach this office within (7) days from the date of receipt of this notice, failing of which it will be construed that you are not having explanation to offer and action as deemed fit will be taken under the provisions of the Drugs and Cosmetics Act, 1940 and Rules 1945.

.....

In view of the above circumstances, I, K.Subbi Reddy, Joint Director and Licensing Authority, Drugs Control Administration, Andhra Pradesh appointed under Rule 69(1) of Drugs and Cosmetics Rules, 1945 in exercise of powers vested under Rule 85(2) of the Drugs and Cosmetics Rules, 1945 do hereby direct you to forthwith stop all the Manufacturing activities until further order in public interest under your Drug License bearing No.69/NG/AP/97/B/R, dated 30.07.1997 valid upto 31.12.2012 in Form-25 from the date of receipt of this order.”

4. From the above, it is clear that a show cause notice under Rule 85(2) of the Drugs and Cosmetics Rules was issued, asking the petitioners to explain as to why the Drug License should not be cancelled and consequently directed the petitioners to stop all manufacturing activities in the petitioners-company. It is

to be noted that this Court on 21.07.2010, while issuing *rule nisi*, granted interim suspension of operation of the above order to the extent of directing the second petitioner to stop the manufacturing activities. However, the authorities were directed to proceed further with the other portion of the impugned notice, wherein the second petitioner was asked to explain as to why the license should not be cancelled.

5. Today, at the time when the matter is taken up for hearing, learned counsel for the petitioners submitted that subsequently the license got expired and thereafter the same was renewed. However, it is brought to the notice of the Court that pursuant to the show cause notice issued on 15.07.2010, the second petitioner submitted his explanation, but no orders are passed till date. According to him, pending the writ petition, the impugned order, directing the petitioners to stop all drug manufacturing activities, was suspended by this Court on 21.07.2010, which is still in force.

6. Having regard to the above, the writ petition is disposed of directing the second respondent to pass orders, on the reply given by the petitioners to the show cause notice dated 15.07.2017, if not already passed, in accordance with law, within a period of three weeks from today. The interim order which is said to be in force, shall continue till passing of the orders.

7. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.08.2017
vhb