

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.13065 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is a licensed retailer of drugs who was running a medical shop in the premises of the Government General Hospital, Kakinada, East Godavari district. The medical shop was allotted pursuant to a tender notice dated 31.05.2010 issued by the then Collector and Chairman, Hospital Development Society. The petitioner filed O.S.No.217 of 2013 on the file of IV Senior Civil Judge, Kakinada, when there was a threat of eviction and violation of conditions of lease. The petitioner applied for renewal of his drug license, but the said application was rejected on 03.02.2016 on the ground that the petitioner should submit fresh orders for allotment of the shop premises from the Superintendent, Government General Hospital, Kakinada. Challenging the said orders, he filed W.P.No.10552 of 2016 and this Court passed an order on 06.04.2016 suspending the order of rejection of drug license dated 03.02.2016 by the second respondent. However, when the second respondent issued another show cause notice on 21.03.2017, pursuant to a joint inspection report received by him on 18.03.2017, listing out certain irregularities, the petitioner submitted his explanation. The present Writ Petition is filed challenging the final orders passed by the second respondent on 23.03.2017 cancelling the drug license issued in favour of the petitioner. The drug license is valid up to 01.02.2021. The petitioner is continuing the shop as on today.

Since there is a provision for appeal, this Court is not inclined to entertain the Writ Petition, but gives liberty to the petitioner to avail the

remedy of appeal under the provisions of the Drugs and Cosmetics Act and the rules made thereunder within a period of thirty (30) days from today. In the meanwhile, no coercive steps pursuant to the impugned order dated 23.03.2017 shall be taken against the petitioner for a period of sixty (60) days.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 12.04.2017
Nsr

A. RAMALINGESWARA RAO, J

