

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1429 of 2017**

M/s Mangala Medical Store through its proprietor Ramashankar Rai, aged about 79 years, Son of Late Shri Kedarnath Rai, Residence of Deendaal Upadyay Ward, Jagdalpur, District – Bastar (C.G.)

----Petitioners

Versus

1. State of Chhattisgarh, Through the Principal Secretary, Health and Family Welfare Department (Appellate Authority), Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Drug Licensing Authority, Drug and Cosmetic Administration, Jagdalpur, District Bastar (C.G.)
3. Drug Inspector in the office of Deputy Director, Drugs and Cosmetic Administration, Jagdalpur, District Bastar (C.G.)

---- Respondents.

For Petitioner	: Shri Shobhit Koshta, Advocate.
For State	: Shri Dilman Rati Minj, Dy. Govt. Advoate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/07/2018

- (1) Petitioner's drug licence for running medical store was revoked on 8.7.2016 by Drug Licensing Authority, against which he preferred appeal before the State Government.
- (2) The State Government, by the impugned order dated 8.5.2017, has rejected the appeal by recording a finding that the petitioner's drug licence was suspended twice before revocation of licence, against which, instant writ petition has been filed questioning the same.
- (3) Learned counsel for the petitioner would submit that petitioner's appeal against the revocation of his drug licence has not been considered and decided by the State Government/appellate authority strictly in accordance with law and none of the grounds raised by the petitioner in the appeal has been considered and no specific finding has been

recorded while rejecting the appeal and, therefore, impugned order is liable to be set aside.

(4) Per contra, counsel for the State would submit that petitioner is a gross defaulter in complying with the provisions of The Drugs and Cosmetics Act, 1940.

(5) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(6) Admittedly, the petitioner preferred appeal against the order dated 8.7.2016 but the State Government/appellate authority simply recorded a finding that the petitioner is a defaulter in complying with the provisions of The Drugs and Cosmetics Act, 1940; and his licence was suspended twice before revocation of licence and rejected the same, and none of grounds, which were raised by the petitioner in the appeal, has been considered, which is impermissible and bad in law.

(7) As a fallout and consequence of the aforesaid discussion, impugned order dated 8.5.2017 is set aside. The matter is remitted to the State Government for considering afresh the grounds raised by the petitioner while questioning the order dated 8.7.2016 and the said appeal will be decided expeditiously preferably within a period of four weeks from the date of receipt of certified copy of this order in accordance with law after hearing the affected parties.

(8) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

