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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2389 of 2018

1. Amar Lal Adwani S/o Late Shri Jiwatram Adwani Aged About 52 Years
2. Anil Kumar Agrawal S/o Jai Kumar Agrawal Aged About 52 Years

M/s Laxmi Medical Store, C-15, Housing Board Colony Balco, District Korba, Chhattisgarh, through Its Proprietor Amarlal Adwani, Aged About 52 Years, S/o Late Shri Jiwatram Adwani, C-15, Housing Board Colony, Balco Nagar, District Korba, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Health And Family Welfares Department Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Controller, Food and Drug Administration Fourth Floor Block 1, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Drug Licencing Authority, Food and Drug Administration, C/o Chief Medical And Health Office Rajgamar Road, Kosabadi, District Korba, Chhattisgarh
4. Chief Medical and Health Officer, Rajgamar Road, Kosabadi, District Korba, Chhattisgarh
5. Satyendra Kumar Dubey, S/o Shri Yogendra Dubey R/o C/15, Housing Board Colony, Balco, District Korba, Chhattisgarh

---- Respondents

For Petitioners
For Respondent-State

Shri Parag Kotecha, Advocate
Shri A. S. Kachhawaha, Addl. AG

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

27/08/2018

1. Petitioners' application for renewal of the drugs licence under the Drugs and Cosmetics Act, 1940 has been rejected on the ground

that the petitioners' landlord has moved an application for their eviction before the Rent Controlling Authority, Korba.

2. It is argued that since the petitioners' licence was valid till 31.12.2016 and the petitioners still occupy the tenanted premises, the renewal could not have been refused on mere pendency of the eviction application.
3. Without entering into the dispute at this stage, ends of justice would be served if the Rent Control Authority, Korba is directed to decide the eviction dispute between the petitioners and their landlord within a period of 3 months from today and thereafter, if the petitioners are found to be entitled to occupy the premises, their application for renewal of licence shall be considered, as has been directed by the State Government in the impugned order (Annexure-P-14). It is ordered accordingly.
4. Learned State counsel and the petitioner shall inform about this order to the Rent Controlling Authority, Korba.
5. The writ petition stands disposed of.

Sd/-

Prashant Kumar Mishra
Judge