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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)Nos.2076 and 2082 of 2018

and

WMP(MD)Nos.2331 and 2334 of 2018

Ganesan : Petitioner in WP(MD)No.2076 of 2018

Vellisamy : Petitioner in WP(MD)No.2082 of 2018

Vs.

1.The Joint Director of Medical and Rural
Health Service and Family Welfare,
Trichy District, Trichy.

2.The Assistant Director of Drug Controls and
Administration, Trichy Zone, Trichy -18.

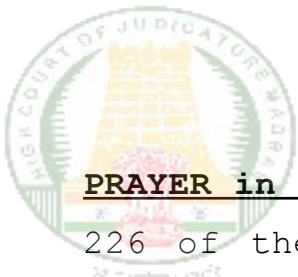
3.The Drug Inspector,
Marungapuri Taluk Circle,
Office of the Assistant Director of Drug,
Control Office,
Trichy - 18.

4.The Block Medical Officer,
Government Primary Health Centre,
Valanadu, Trichy District, Trichy.

5.The Tahsildar,
Marungapuri Taluk,
M.Kallupatti,
Trichy District.

: Respondents in both WPs

PRAYER in WP(MD)No.2076 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to remove the seal and open the petitioner's licensed Medical Shop namely "Sri Krishna Medical" at No.32/1, NRN Periyasamy Chettiyar Complex, Rice Mill Road, Thuvarankurichi, Trichy District, which was sealed on 28.10.2017 without issuing prior or after notice and without following service rules provided in the Drugs and Cosmetics Act, 1940 and Drugs and Cosmetics Rules 1945.



PRAYER in WP(MD)No.2082 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to remove the seal and open the petitioner's licensed Medical Shop namely "Sri Harihara Sudhan Medical" at M.Kallupatti, Marungapuri Taluk, Trichy District, which was sealed on 05.10.2017 without issuing prior or after notice and without following procedures provided in the Drugs and Cosmetics Act, 1940 and Drugs and Cosmetics Rules 1945.

For Petitioner : Mr.P.Jeyasankar in both Wps

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader
in Both Wps

COMMON ORDER

Heard Mr. P.Jeyasankar, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2.By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

3. The grievances of the petitioners are that their respective representations dated 14.11.2017 and 15.12.2017, seeking to remove the seal and open their medical shops, have not been considered by the respondents till date and therefore, they have filed the present writ petitions.

4.This Court has not expressed any of its view with regard to the merits of the representations made by the petitioners. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5.In view of the limited prayer sought for in these writ petitions, there shall be a direction to the first respondent to consider the petitioners' representations dated 14.11.2017 and 15.12.2017 on their own merits and take further action in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



6. With the above direction, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

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To

1. The Joint Director of Medical and Rural Health Service and Family Welfare, Trichy District, Trichy.
2. The Assistant Director of Drug Controls and Administration, Trichy Zone, Trichy -18.
3. The Drug Inspector, Marungapuri Taluk Circle, Office of the Assistant Director of Drug, Control Office, Trichy - 18.
4. The Block Medical Officer, Government Primary Health Centre, Valanadu, Trichy District, Trichy.
5. The Tahsildar, Marungapuri Taluk, M. Kallupatti, Trichy District.

+2 cc to MR.P.JEYA SANKAR, Advocate SR.Nos.64838 and 64839

W.P. (MD) Nos.2076 and 2082 of 2018
27.04.2018

PK/SKN-RSK/SAR-1/30.05.2018:3P/8C