

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4056 of 2018

and

W.M.P.Nos.4982 & 4983 of 2018

Syed Muneer Ahmed,
Partner,
M/s.Sagsons Chemical Company,
New No.434, Old No.657, T.H.Road,
Tondiarpet, Chennai - 600 081. ... Petitioner

Vs

- 1.The Government of Tamilnadu,
Rep. by its Principal Secretary,
Health & Family Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai - 600 009.
- 2.The Director of Drugs Control,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.
- 3.The Assistant Director of Drugs Control,
Tondiarpet-1, Range Zone-1, D.M.S. Campus,
Teynampet, Chennai - 600 006.
- 4.The Drug Inspector,
Tondiarpet-1 Range,
Office of the Assistant Director of Drugs Control,
Tondiarpet-1 Range Zone-1, D.M.S.Campus,
Teynampet, Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records from the respondents 2 to 4 insofar as it relates to the order passed by the 4th respondent in his proceedings in form 16 dated 27.11.2017 under Rule 55 and 145-B of the Drugs and Cosmetics Rules, 1945 and quash the said order and direct the respondents 2 to 4 to forthwith renew the License issued to the Petitioner's firm M/s.Sagsons Chemicals Company at New No.434, Old No.657, T.H.Road, Tondiarpet, Chennai - 600 081, vide License No.396 of 1984 for a further period of 5 years in terms of Rule 70 and 73 of

the Drugs and Cosmetics Rules, 1945, in pursuant to the Petitioner's renewal application dated 12.12.2017 and allegedly received by the respondents 2 to 4 on 12.01.2018 after removing the seal and chain affixed to the Machineries in the Petitioner's firm M/s.Sagsons Chemicals Company, at New No.434, Old No.657, T.H.Road, Tondiarpet, Chennai - 600 081 and return the seized records, chemicals and other goods seized from the petitioner under form 16 dated 27.11.2017.

For Petitioner : Mr.Raja Kalifullah,
Senior Counsel
for M/s.Muniruddin Sheriff
For Respondents: Mr.R.Govindasamy,
Special Government Pleader

O R D E R

This writ petition is filed seeking for the following relief:

To call for the records from the respondents 2 to 4 insofar as it relates to the order passed by the 4th respondent in his proceedings in form 16 dated 27.11.2017 under Rule 55 and 145-B of the Drugs and Cosmetics Rules, 1945 and quash the said order and direct the respondents 2 to 4 to forthwith renew the License issued to the Petitioner's firm M/s.Sagsons Chemicals Company at New No.434, Old No.657, T.H.Road, Tondiarpet, Chennai - 600 081, vide License No.396 of 1984 for a further period of 5 years in terms of Rule 70 and 73 of the Drugs and Cosmetics Rules, 1945, in pursuant to the Petitioner's renewal application dated 12.12.2017 and allegedly received by the respondents 2 to 4 on 12.01.2018 after removing the seal and chain affixed to the Machineries in the Petitioner's firm M/s.Sagsons Chemicals Company, at New No.434, Old No.657, T.H.Road, Tondiarpet, Chennai - 600 081 and return the seized records, chemicals and other goods seized from the petitioner under form 16 dated 27.11.2017.

2. The petitioner is aggrieved against the seizure of the drugs etc., through the impugned proceedings dated 27.11.2017 and consequently, seeks for a direction to renew the license issued to the Petitioner's firm under the Drugs and Cosmetics Act.

3. Today, when the matter is taken up for further hearing, it is represented by the learned Senior Counsel appearing for the petitioner that a fresh application for license has been filed yesterday i.e., on 26.03.2019 and therefore, the 2nd and 3rd respondents may consider such application and pass orders on merits and in accordance

4. Since the petitioner has filed a fresh application for grant of license, it is for the authorities viz., the respondents 2 and 3 to consider such application and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Recording the above said subsequent developments, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

gsi/mk
To

- 1.The Principal Secretary,
Health & Family Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai - 600 009.
- 2.The Director of Drugs Control,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.
- 3.The Assistant Director of Drugs Control,
Tondiarpet-1, Range Zone-1, D.M.S. Campus,
Teynampet, Chennai - 600 006.
- 4.The Drug Inspector,
Tondiarpet-1 Range,
Office of the Assistant Director of Drugs Control,
Tondiarpet-1 Range Zone-1, D.M.S.Campus,
Teynampet, Chennai - 600 006.

+1cc to Mr. J.Jeyendra Krishnan, Advocate SR.No. 28868

+1 cc to Government Pleader SR.NO. 29779

W.P.No.4056 of 2018

A.SK(27/04/2019)