

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 17814 of 2019
and
W.M.P. No. 17215 of 2019

Nipun Maheshwari

... Petitioner

-vs-

- 1.The Drug Inspector,
Tiruttani Range,
Office of the Assistant Director of Drugs Control,
Thiruvallur Zone, 201, J.N.Road, (Near Oil Mill),
Thiruvallur - 602 001.
- 2.The Medical Officer,
Government Hospital, Tiruttani
- 3.The Chief Pharmacist,
Medical Officer,
Government Hospital, Tiruttani
- 4.The Tamil Nadu Medical Services Corporation Ltd.,
District Drug Ware House, Thiruvallur.
- 5.Central Drugs Laboratory,
3, Kyd Street, Fire Brigade Head Quarter,
New Market Area, Dharmatala, Taltala,
Kolkata, West Bengal - 700 016

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records, relating to the order issued by the First respondent in Ref.No.125/D1/TRT/19, Dated 01.02.2019 and quash the same.

For Petitioner : No Appearance

For R1 to R3 : Mr. M.Karthikeyan,
Additional Government Pleader

For R4 : No Appearance

O R D E R

There is no representation for the Petitioner when the matter is called.

2. It is brought to the notice of this Court by the Learned Additional Government Pleader appearing for the First to Third Respondents that the order Ref. No.125/DI/TRT/19 dated 01.02.2019 issued by the First Respondent, which has been challenged by the Petitioner in this Writ Petition, is a show cause notice for which the Petitioner has been required to submit his explanation. In the affidavit filed in support of the Writ Petition, it has been contended that the Petitioner has obtained favourable reports from laboratories in respect of the medicines which have been sought to be banned.

3. The consistent legal position has been reiterated by the Hon'ble Supreme Court of India in Special Director -vs- Mohammed Ghulum Ghouse [(2004) 3 SCC 440], Secretary, Ministry of Defence -vs- Prabhash Chandra Miradha [(AIR 2012 SC 2250] and Life Insurance Corporation of India -vs- A. Masilamani [(2013) 6 SCC 530], that a show cause notice cannot be challenged before completion of enquiry and the proceedings cannot be interfered with in the interregnum till it reaches its logical conclusion. That apart, there is nothing shown by the Petitioner warranting interference in this matter at this pre-mature stage.

4. In the aforesaid circumstances, the Petitioner shall submit his explanation with supporting documents and comply with the requirements sought in the show cause notice by 30.09.2019, and the First Respondent shall duly consider the explanation of the Petitioner, afford full opportunity of hearing and deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner. An endeavour shall be made to complete the aforesaid exercise expeditiously, preferably, within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

lok/vjt

To

- 1.The Drug Inspector,
Tiruttani Range,
Office of the Assistant Director of Drugs Control,
Thiruvallur Zone, 201, J.N.Road, (Near Oil Mill),
Thiruvallur - 602 001.
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District Drug Ware House, Thiruvallur.
- 5.Central Drugs Laboratory,
3, Kyd Street, Fire Brigade Head Quarter,
New Market Area, Dharmatala, Taltala,
Kolkata, West Bengal - 700 016

Copy to

Mr.Nipun Maheshwari,
Director,
M/S.Osmed Formulations Private Limited,
No.56-57, Industrial Area, Maxi Road,
Ujjain-456 010,
Madhya Pradesh.

+1cc to the Government Pleader, S.R.No.77720

RSY(CO)
CB(16/09/2019)

सत्यमेव जयते

W.P. No. 17814 of 2019

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