

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.32017 of 2018

N.Deepan

...Petitioner

Vs.

1. The Director of Drugs Control,
No.359, DMS Campus,
3rd Floor, Anna Salai,
Teynampet,
Chennai - 600006.
2. The Joint Director of Drugs Control,
No.359, DMS Campus,
3rd Floor, Anna Salai,
Teynampet,
Chennai - 600006.
3. The Assistant Director of Drugs Control,
Department of Drugs Control,
Salem Zonel,
Salem - 5.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to grant license to the petitioner for selling allopathic drugs specified in Schedules C and C(1) to the Drugs and Cosmetics Rules 1945 to the petitioner in the name and style of "Sun Medical" pursuant to the petitioner's application dated 08.11.2018.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.R.Govindasamy
Special Government Pleader,

O R D E R

The petitioner seeks for a mandamus directing the respondents herein to grant license for selling allopathic drugs specified in Schedules C and C(1) to the Drugs and Cosmetics

Rules 1945 to the petitioner in the name and style of "Sun Medical" pursuant to his application dated 08.11.2018.

2. Heard both sides.

3. Mr.T.Sai Krishnan, learned counsel appearing for the petitioner submitted that when the petitioner has complied with all the requirements and filed an application dated 08.11.2018, there is no reason for the third respondent to keep the same pending.

4. On the other hand, the learned Special Government Pleader appearing for the respondents, based on instructions, submitted that there were defects pointed out in the application and therefore, the petitioner was issued with a show cause notice. To the said submission, the learned counsel appearing for the petitioner submitted that there is no defect at all and on the other hand, the petitioner has resubmitted his application, which is perfectly in order.

5. This Court, at this stage, is not expressing any view on the merits of the matter, since it is for the third respondent to consider the application of the petitioner seeking for drug license and pass orders on merits and in accordance with law. Therefore, without expressing any view on the rival contentions raised by the parties, this Writ Petition is disposed of, only by directing the third respondent to pass orders on the the petitioner's application dated 08.11.2018, seeking for drug license for selling allopathic drugs specified in Schedules C and C(1) to the Drugs and Cosmetics Rules 1945 to the petitioner in the name and style of "Sun Medical" and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sni/vri

To

1. The Director of Drugs Control,
No.359, DMS Campus,
3rd Floor, Anna Salai,
Teynampet, Chennai - 600006.

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3rd Floor, Anna Salai,
Teynampet,
Chennai - 600006.
3. The Assistant Director of Drugs Control,
Department of Drugs Control,
Salem Zonel,
Salem - 5.

+1cc to M/S.Sai & Bharath, Advocate, S.R.No.19691
+1cc to the Government Pleader, S.R.No.20031

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CA(CO)
CS/29/03/2019



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