

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition Nos.20677 and 20754 of 2019

ORDER:

These writ petitions are filed to declare the action of 4th respondent in issuing proceedings, vide Rc No. Estt/PM/DH/NML/2019, dated 17.09.2019 against the petitioners terminating the agreement to operate Jeevandhara Medical and Generic Stores, near District Area Hospital, Nirmal, as being illegal and arbitrary and set aside the same and consequently to direct the respondent authorities to forthwith restore the agreement of the petitioners to operate the said Jeevandhara Medical and Generic Stores.

Heard Sri M. Niranjan Reddy, learned counsel representing Sri N. Naveen Kumar, and Sri Naresh Reddy Chinnolla, learned counsel for the petitioners in these writ petitions and the Assistant Government Pleader for Medical and Health appearing for the official respondents.

The main grievance of the petitioners in both the writ petitions is that the licence granted to them for setting up of the shop by name M/s. Jeevandhara Medical & Generic Stores has been terminated without issuing any notice and the said action is in violation of principles of natural justice.

The learned Assistant Government Pleader for Medical and Health on instructions submits that no notice was issued to the petitioners before such action is taken by the 4th

respondent, however, seeks to justify the action of termination on the ground that based on a complaint made to the authority, the authorities have conducted inspection and found that the petitioners were resorting for sale of H-schedule drugs without prescription and without raising any invoices.

Be that as it may, the action of respondents in terminating the licence of the petitioners cannot be sustained for the simple reason that the authorities though are empowered to take appropriate action, cannot justify their administrative actions, without adhering to the principles of natural justice.

In view of the above, the impugned orders passed by the 4th respondent are hereby set aside. In the event if the petitioners are found to be acting contrary to the terms of agreement, it is open to the authorities to initiate proceedings after issuing notice and by adhering to the principles of natural justice.

Accordingly, these writ petitions are disposed of. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in these writ petitions shall stand closed.

T. VINOD KUMAR, J

Date: 18.11.2019
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