



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD)No.7575 of 2020

and

W.M.P. (MD).No.7062 of 2020

Democratic Corruption Liberation Front

Political Party Registration No.56/225/2013/PPS-1,

2F/1A, Neduganvilai

Ponnappa Nadar Nagar,

Nagercoil-629 004

rep. Through its Coordinator, Madurai

Mr.A.Joel Sugumar.

...Petitioner

Vs.

The State of Tamil Nadu

rep. Through its Secretary to Government

Health Department

Fort St. George,

Chennai-9.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to ensure the sale of Paracetamol tablets through Pharmacies by following Schedule K of Drugs and Cosmetics Rules, 1945 and to ensure the availability of Paracetamol over the counter without prescription of Medical Practitioner by considering the representation made on 26th June, 2020.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.VR.Shanmuganathan

Special Government Pleader

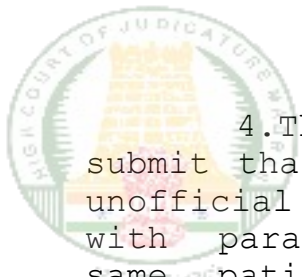
ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The writ petition is styled as a Public Interest Litigation, filed by a registered political party, which is said to be aggrieved by the oral instructions as to the non-dispensation of the tablet Paracetamol.

2.The learned counsel appearing for the petitioner would submit that Covid-19 Pandemic virus is spreading very fast and as on date, no vaccine is found to prevent the said onset nor remedial medicine is available to treat the said pandemic.

3.It is the further submission of the learned counsel appearing for the petitioner that Covid-19 patients fall under two categories namely i)A-Symptomatic and ii)Symptomatic and some of them are also expressing, fever, for which medicine available across the State, is paracetemol tablets under various trade names.



4.The learned counsel appearing for the petitioner would submit that it is the primordial grievance of the petitioner that unofficial instructions were given to the pharmacies not to dispense with paracetamol tablets across the counter and on account of the same, patients with mild symptoms such as fever is unable to get paracetamol tablets, though the sale of the same is not at all prohibited under Rule 124 r/w sub-clause 13(2) of Schedule K of Drugs and Cosmetics Rules, 1945 and the petitioner in this regard submitted a representation on 26.06.2020 to the respondent, for which, no acknowledgment is available and prays for appropriate action.

5.Mr.VR.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the sole respondent and would submit that even as per the representation of the petitioner said to have been addressed to the respondent, it is only an unofficial instruction and the petitioner laid the foundation of the case, based on mere surmises and conjectures and in the light of the same, this Court may not issue any positive order and hence, prays for dismissal of the writ petition.

6.This Court has carefully considered the rival submissions and perused the materials.

7.In the light of the above stated provision of the Drugs and Cosmetic Rules r/w Schedule K of the said Rule, the sale of paracetamol tablets across the counter without prescription, cannot be prohibited. But at the same time, it is also brought to the knowledge of this Court by the learned Special Government Pleader that some of the patients with hide symptoms are also taking the said drug for the purpose of suppressing the system, so that, they need not undergo the prescribed Covid test to detect the virus. Of course, these kind of things may happen some times and it cannot be cited as a reason to ban the sale of the said drugs across the counter without prescription.

8.In view of the above facts, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

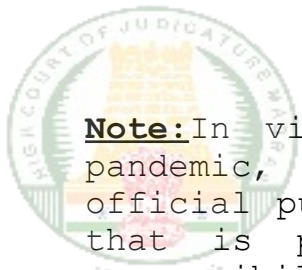
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Sub Assistant Registrar(CS)

Vs

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

WEB COPY

To

The Secretary to Government
The State of Tamil Nadu
Health Department
Fort St. George,
Chennai-9.

W.P (MD) No.7575 of 2020
14.07.2020

KB (23.07.2020) 3P 2C