

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5113 of 2021

1. Ashok Tripathi S/o Late Hari Shankar Tripathi Aged About 67 Years R/o Gitanjali Nagar, Behind M.V. Market, Karbala Road Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh, Through - Secretary, Ministry of Health, Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh
2. The Collector, (Department of Food and Drug Administration) Office of Collector Bilaspur Chhattisgarh
3. Additional Drug Controller Composite Building Bilaspur Chhattisgarh
4. Revenue Inspector (Nazool), Nazool Branch District Office Bilaspur Chhattisgarh
5. Vikash Jadwani S/o Kimat Rai Jadwani Aged About 39 Years Partner, M/s Laxmi Medical Hall, Man Sarover Bhawan, Gol Bazar Bilaspur Chhattisgarh.
6. Arvind Tripathi S/o Late Hari Shankar Tripathi, Aged About 59 Years Madhya Nagari Chowk, Mashan Ganj District Bilaspur Chhattisgarh
7. Commissioner, Nagar Palik Nigam Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate.
For Respondent/State	:	Ms. Shriya Mishra, Panel Lawyer.
For Respondent No.7	:	Shri Sandeep Dubey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.12.2021

1. The present writ petition has been filed seeking for the following reliefs :

“That, the Hon'ble Court may kindly be pleased to summon the entire record pertaining to the case from the office of respondents No.3&4 by issuing a writ of certiorari and after perusal of record may kindly be pleased to command the respondent No.3 by exercise inherent powers and be pleased to direct him to cancel the drug license issued in favour of respondents No.5&6 by issuing a writ of mandamus.

OR

The Respondent No.3 may kindly be directed to decide the representations dated 18.09.2020, 21.09.2020, 03.10.2020, 09.11.2020 and 23.02.2021 (Annexure P/1) within a period of 30 days and

Any appropriate writ, direction or order may also kindly be passed which this Hon'ble Court deems fit and appropriate in the circumstances of the case, in the interest of justice.”

2. At the outset, this court is of the opinion that the writ petition in the given factual backdrop with highly disputed questions of fact involved would not be maintainable for exercise of the power of judicial review under the writ jurisdiction of this court.
3. The nature of dispute seems to be the alleged fabricated documents at the behest of respondent No.6 by virtue of which a drug license was issued in favour of respondent No.5 for operating a Medical Store at the premises which was otherwise jointly owned by the petitioner and the respondent No.6. The issue involved in the present writ petition is one which would require evidence from either side to substantiate their respective claim and defence which otherwise would not be permissible under the writ jurisdiction and the writ petition therefore would not be maintainable at this stage.
4. The writ petition therefore for the said reasons being not maintainable deserves to be and is hereby rejected reserving the right of the petitioner to avail other legal remedies available to him under the provisions of law.

Sd/-
(P. Sam Koshy)
Judge