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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.12183 of 2014

M/s.S.Kesarimal
A Partnership firm
Rep by its Partner
K.Prakash Chand
No.11, Nainiappa Naick Street
Chennai - 600 003.

...Petitioner

Versus

1. The Secretary to Government,
Ministry of Health & Family Welfare,
Government of India,
Room No.156-A, Nirmal Bhawan,
Moulana Azad Road,
New Delhi - 110 011.
2. The Drugs Controller General (India),
Directorate General of Health Services,
FDA Bhawan, Kotla Road,
New Delhi - 110 002.

...Respondents

Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal, dated 26.12.2012 preferred against the order of rejection, dated 27.11.2012 bearing No.6-3/BD/136/03-DC (Re-Reg.2012) passed by the second respondent within the time as may be fixed by this Court.

For Petitioner : Mr. R. Parthasarathy

ORDER

This Writ Petition is filed seeking a direction to the first respondent to dispose of the petitioner's appeal, dated 26.12.2012 preferred against the order of rejection, dated 27.11.2012 bearing No.6-3/BD/136/03-DC (Re-Reg.2012) passed by the second respondent.



2. The petitioner is a partnership firm and it is engaged in the business of import and supply of drugs and other raw materials for manufacture of chemicals, drugs, pharmaceutical and food industry since 1992 with licence. In May 2006, the petitioner intended to import a drugs known as Methylcobalamin for sale in domestic market from its manufacturer, M/s.Hebei Huarong Pharmaceuticals Co. Ltd, China. Hence, he submitted an application on 04.06.2012 for getting licence for import of the said Methycobalamin. But, the said application was rejected by the 2nd respondent on the ground that the petitioner has not enclosed the authentication letter issued by the authorized Indian Agent, which is responsible for the business activities of manufacturer in India. Aggrieved by the same, the petitioner preferred an appeal on 26.12.2012. However, such an appeal filed by the petitioner is kept pending without being disposed of. Therefore, the petitioner has filed this writ petition for a Mandamus.

3. The learned counsel for the petitioner submitted that the appeal dated 26.12.2012 is still pending and he seeks a direction to dispose of the same on merits.

4. Considering the submission of the learned counsel for the petitioner that the statutory appeal preferred by the petitioner on 26.12.2012 is still pending, this Court, without going into the merits of the case, directs the 1st respondent to consider the petitioner's appeal dated 26.12.2012, if not already disposed of, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum/rsh

To

1. The Secretary to Government,
Ministry of Health & Family Welfare,
Government of India,
Room No.156-A, Nirmal Bhawan,
Moulana Azad Road,
New Delhi - 110 011.



2. The Drugs Controller General (India),
Directorate General of Health Services,
FDA Bhawan, Kotla Road,
New Delhi - 110 002.

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+1 CC to M/s.R.Parthasarathy, Advocate, Sr.No. 42952

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JP-II (CO)
LS (13/10/2021)