



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.13388 of 2021

S.Rajeshwari

... Petitioner

Vs.

1.The Director of Drug Controls,
Chokkalingam Nagar,
DMS, Campus,
Thenampet,
Chennai-600086.

2.The Assistant Director of Drugs Control,
Tirunelveli Zone,
C-36-25th Cross Street,
Maharaja Nagar,
Tirunelveli District.

3.P.Sivakumar

4.R.Dhamalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from renewing the Drug License (D.L.No.692/20-21) in favour of the respondents 3 and 4 to conduct the Muscat Pharmacy in the building owned by the petitioner vide Door Nos.40/2-62 and 40/63-2 by considering the petitioner's representation, dated 18.12.2020 and 02.07.2021.

For Petitioner : Mr.P.Narayanakumar

For R1 & R2 : Mr.P.Subbaraj
Counsel for State.



ORDER

The petitioner seeks to prevent the first and second respondents from renewing the drug licence in favour of respondents 3 and 4.

2. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 and 2.

3. The petitioner admittedly mortgaged her property to the third and fourth respondents under a registered mortgage deed dated 26.10.2016 bearing Document No.3205 of 2016.

4. From the averments in the affidavit, it appears that a dispute has arisen as between the petitioner, on the one hand, and respondents 3 and 4, on the other, as regards the discharge of the mortgage and the redemption of the property. For such reason, it appears that the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution in order to prevent the third and fourth respondents from continuing with the pharmacy business in the mortgaged property. The jurisdiction of this Court cannot be invoked for such oblique purposes. In case the petitioner intends to redeem her property, it is always open to the petitioner to initiate appropriate proceedings in accordance with law for such purpose. It is a distinct matter that the first and second respondents are under a statutory obligation to consider and decide any application from the third and fourth respondents in accordance with law. The merits of such application have not been examined herein.



5. Accordingly, W.P.(MD).No.13388 of 2020 is devoid of merit and is dismissed. However, there will be no order as to costs.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

To

1. The Director of Drug Controls,
Chokkalingam Nagar,
DMS, Campus,
Thenampet, Chennai-600086.
2. The Assistant Director of Drugs Control,
Tirunelveli Zone,
C-36-25th Cross Street,
Maharaja Nagar,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-25525[F] dated 06/08/2021)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-25547[F] dated 06/08/2021)

W.P (MD) No.13388 of 2021

05.08.2021

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