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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 25th March, 2021*

+ W.P.(C) 3974/2021

DANISH KHATTAR Petitioner

Through: Petitioner in person.

versus

MINISTRY OF HEALTH AND FAMILY WELFARE THROUGH:
ITS JOINT SECRETARY SHRI ALOK SAXENA & ORS.

..... Respondents

Through: Mr. Chetan Sharma, ASG with
Mr. Apoorv Kurup, Ms. Nidhi Mittal, Mr. Amit
Gupta, Mr. Vinay Yadav, Mr. Akshay Gadeock,
Mr. Sahaj Garg and Mr. R. Venkat Prabhat, Advs.
for R-1.

Mr. T. Singhdev, Mr. Tarun Verma, Ms. Michelle
B Das, Ms. Sumangla Swami and Mr. Abhijit
Chakravarty, Advs. for R-2.

Mr. Anupam Srivastava, ASC for GNCTD with
Mr. Vaibhav Oberoi, Adv. for R-3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

CM APPL. 12022/2021 (exemptions)

Allowed, subject to all just exceptions. The application is disposed of.

W.P.(C) 3974/2021& CM APPL. 12021/2021

1. This so called public interest litigation has been preferred with the following prayers:-

- “a) Issue appropriate writ, order or direction in the nature of mandamus or any other appropriate writ or direction to the Respondents to frame rules/ guidelines relating to prohibition on sale of loose medicines by the doctors.
- b) Issue appropriate writ, order or direction in the nature of prohibition or any other appropriate writ or direction to restrain practice of loose medicines provided by the doctors.
- c) To pass any order or further orders this Hon’ble court deems fit on the basis of above mentioned facts and circumstances of the case.”

2. Having heard the petitioner in person and learned counsel for respondent No.2 it appears that this petitioner has not pointed out any violation committed by a specific person or by a specific institution. It is submitted by learned counsel for the respondents that as and when such violation is pointed out to the respondents they will initiate appropriate action in accordance with law.

3. In this writ petition no private party is joined as a party respondent who has committed violation of Drugs & Cosmetics Rules, 1945 particularly Schedule A thereof as pointed out in page 79 - Annexure 9. There are

already provisions contained under the Drugs & Cosmetics Act and the Rules enacted there under for the grievances ventilated in this petition. Now the only question left out is to bring to the notice of respondents about the violation by specific person so that action can be initiated in accordance with law against that person.

4. In view of the above, there is no substance in this writ petition. Nonetheless, liberty is reserved with this petitioner to file appropriate proceedings before appropriate forum by pointing out specific violation of the Drugs & Cosmetics Act and the Rules laid there under by a particular person. As and when such type of allegations and averments are made against a particular person, this Court can always pass requisite directions. Hence, this writ petition along with the pending applications is hereby dismissed with reserving aforesaid liberty to the petitioner.

CHIEF JUSTICE

JASMEET SINGH, J

MARCH 25, 2021

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