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W.P.No.30167 of 2012 &
M.P.No.2 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.30167 of 2012 &
M.P.No.2 of 2012

Federation of South Indian Pharmaceutical
Manufacturers Association
Rep. by its General Secretary
S.Lakshmi Narayanan,
Block-D1, Baid Metha Complex, No.183,
Anna Salai, Saidapet, Chennai – 600 015.

... Petitioner

Vs

- 1.Union of India
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhawan, New Delhi – 110 011.
- 2.The Director of Drug Control,
Tamil Nadu, DMS Complex, Anna Salai,
Teynampet, Chennai – 600 006.
- 3.The Drugs Controller,
O/o. The State Drugs Control,
General Hospital Junction,
Tiruvananthapuram-1.
- 4.The Director General [Drugs and Copy Right]
Drug Control Administration,
Vengalrao Nagar, Hyderabad.



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5.The Drugs Controller,
Karnataka State,
Palace Road, Bangalore-1,
Karnataka.

6.The Drugs Controller/The Licensing Authority,
Drugs Administration,
Puducherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in connection with the impugned notification of the 1st respondent No.X 11011/1/2011/DFOC dated 01.10.2012 and quash the said notification dated 01.10.2012.

For Petitioner : Mr.Ramesh Venkatachalapathy

For Respondents : Mr.Rajesh Vivekanandan
Deputy Solicitor General – R1

Mr.Veda Bagath Singh
Special Government Pleader – R2

No appearance – R3 & R5

Service not completed – R4

Mrs.Sharada Vivek
Additional Government Pleader (P) - R6

ORDER

This Writ Petition has been filed by the Federation of South Indian
Pharmaceutical Manufacturers Association. Mr.Ramesh Venkatachalapathy,



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learned counsel for the petitioner would submit that the Federation is in itself, not in existence as it had become defunct.

2. That apart, the challenge by the petitioner is to a Notification issued by the Ministry of Health and Family Welfare dated 01.10.2012. One of the grounds of challenge is that the Notification is contrary to the decision of the Delhi High Court in the case of *Hoechst Pharmaceuticals V. C.V.S.Mani* ((1983) ILD Delhi 548).

3. Mr.Rajesh Vivekanandan, learned Deputy Solicitor General for R1 would however point out that the aforesaid decision is in no way connected to the present cause of action. The present Notification only casts a burden upon the pharmaceutical companies to, at the time of issuance of licence, detail only the composition of the drug and not the brand name or their trade mark. This was not the issue dealt with by the Delhi High Court in the aforesaid decision.

4. I see no reason to delve into the merits of the matter, seeing as this Writ Petition has been pending since 2012 and there is no interim protection that has been granted to the petitioner. It is the case of the respondents that the pharma companies which are members of the Federation have complied with the requirements under the Notification and that the Notification has been fully implemented. I thus see no reason to upset the apple cart at this juncture.



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5. For the reasons aforesaid, this Writ Petition has no merits as on date and is dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

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Sl

Index : Yes / No

Speaking Order

Neutral Citation: Yes

To

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Dr.ANITA SUMANTH, J.

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