

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-19341-2023 (O&M)
Date of Decision:-01.09.2023

M/s Anand Medi Hub

... Petitioner

Versus

Drugs Controller Cum Licensing Authority Cum Principal
Medical Officer and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nitin Bhasin, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks issuance of a writ in the nature of Certiorari or Mandamus for setting aside the impugned order dated 18.8.2023 (Annexure P-4) passed by respondent No.1 whereby the licence issued to the petitioner under Drugs and Cosmetics Act, 1940 has been suspended for a period of 15 days i.e. w.e.f. 01.09.2023 to 15.09.2023 and it has been directed that the petitioner shall not make any sale or purchase of drugs during the said period.
2. Learned counsel for the petitioner cites Bhagwan Singh Vs. State of Punjab (1999) 9 SCC 573, Punjab Chemists Association Vs. State of Punjab, 1990 SCC Online P&H 978, D.K.Joshi Vs. State of U.P. 2000 SCC Online All 1053, Falcon Laboratories Vs. Director and Drug Control Administration 1995 SCC Online AP 754 to contend that the impugned order is illegal and against the rules and the procedure prescribed and deserves to be set aside.

3. It is not disputed that the petitioner has already preferred the statutory appeal (Annexure P-5) which is still pending before the Health Secretary, wherein a prayer for stay of operation of the impugned order has already been made. Learned counsel submits that although he had filed the said appeal on 25.8.2023, but no order has been passed thereupon till date.
4. Having heard the learned counsel for the petitioner and while noticing that the statutory appeal is still pending, the instant petition is disposed off with a direction to respondent No.2-Secretary, Department of Health & Family Welfare, Chandigarh Administration, to dispose of the appeal (Annexure P-5) expeditiously. In case, for any reason respondent No.2 is unable to decide the appeal expeditiously, then it be ensured that the stay application be disposed of at the earliest, preferably by 06.09.2023.

01.09.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No