



WEB COPY

W.P.No.2206 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2206 of 2021

and

W.M.P.No.2499 of 2021

M/s.Tamman Titioe Pharma Pvt.Ltd.,
A Company incorporated under the Companies Act, 1956,
Represented by its Director, P.S.Anantha Raman,
56-057, SIDCO Pharmaceuticals Complex,
Alathur – 603 110, Thiruporuru,
Kancheepuram District. ... Petitioner

Vs.

- 1.The Director of Drugs Control and Licensing Authority,
No.359, Anna Salai,
Chennai – 6.
- 2.The Deputy Director of Drugs Control,
No.359, Anna Salai,
Chennai – 6.
- 3.The Assistant Director of Drugs Control,
Zone – IV,
Kancheepuram Zone,
No.359, Anna Salai,
Chennai – 6.



4.The Senior Drugs Inspector,
Kancheepuram Zone,
No.359, Anna Salai,
Chennai – 6.

5.The Inspector of Drugs Control,
Tambaram – II Range,
Kancheepuram Zone,
No.359, Anna Salai,
Chennai – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to revoke the stoppage-cum-showcause notice of the 1st respondent in Ref.No.15357/1W1/2019 dated 19.02.2020 as per the representation of the petitioner dated 04.01.2021 and to permit the petitioner to run the drug manufacturing company as per the license issued by the 1st respondent under form no.28 bearing No.TN00002039 dated 25.02.2005 valid upto 24.02.2020 and in Form No.28 B bearing No.TN-00004727 dated 04.10.2017 which is valid up to 03.10.2022.

For Petitioner : Mr.G.Mutharasan

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

**ORDER**

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The Show Cause Notice dated 19.02.2020 issued by the Director of Drugs Control and Licensing Authority is under challenge in the present writ petition.

2. The impugned show cause notice was issued setting out certain allegations against the petitioner/Pharma Company under the provisions of Drugs and Cosmetics Act, 1940 and the rules framed there under. The petitioner instead of submitting their explanations/objections, the petitioner/company has chosen to file the present writ petition, raising certain grounds on merits. High Court cannot conduct an enquiry in respect of disputes between the parties. The allegations set out in the Show Cause Notice requires adjudication based on documents and evidences available on record.

2.1. No writ against the Show Cause Notice is entertainable in a routine manner. The writ petition is maintainable, only if such Show Cause Notice has been issued by an incompetent Authority having no jurisdiction or tainted with the allegations of malafides. In other circumstances, the



addressee of the Show Cause Notice has to defend his case by participating in the process of enquiry/adjudication by availing the opportunities to be provided.

2.2 In the present case, the Show Cause Notice would reveal that several allegations are raised against the petitioner/company under the Act and rules. Thus, the petitioner/company is at liberty to defend their case in the manner known to law.

3. With this liberty, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

veda

Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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