



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.02.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.3529 of 2024

and

WMP.Nos.3788 & 3789 of 2024

Medi Sales India Pvt. Ltd.,
No.508/3A, Ground & Mezzanine Floor,
Inner Ring Road,
Madhavaram, Chennai 600 060
Rep. by its Manager
R.Arumugam

...Petitioner

VS.

1.State of Tamil Nadu
Rep. by its Secretary
Health & Family Welfare,
Fort St. George, Chennai-9.

2.The Licensing Authority,
Asst. Director of Drugs Control-Zone V,
O/o, The Asst. Director of Drugs Control
359, Anna Salai, Teynampet,
Chennai-600 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, quashing the impugned
order of the 2nd Respondent bearing Ref.No.1976/A1/ZV/2023 dt. 02.02.2024



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as illegal, arbitrary and unlawful and consequently directing the 1st Respondent to consider and pass orders in the Statutory Appeal dt. 10.02.2024 filed by the Petitioner with the 1st Respondent within a time period fixed by this Court.

For Petitioner : Mr.T.D.Selvan Babu

For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

Mr.K.Tippu Sultan, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of the matter, even at this juncture. Hence, by consent of both learned counsel, this Writ Petition is taken up for final disposal, even at the stage of admission.

2.The petitioner is a Wholesale Distributor of pharmaceutical and medicinal preparations, food supplements and cosmetic preparations. There was an inspection in its premises on 08.12.2018 and notices were received on various dates including 25.05.2022 and 15.12.2023 seeking certain particulars from the petitioner. There appear to have been certain mismatches between the sales and purchase records which the petitioner claims to have explained vide replies including reply dated 29.01.2024.



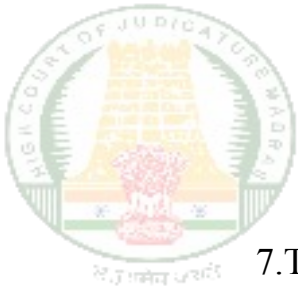
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3. In notice dated 15.12.2023, the respondent alleges violation of the provisions of the Drugs and Cosmetics Act, 1940 (Act) read with the Drugs and Cosmetics Rules, 1945 (Rules).

4. Despite the reply of the petitioner dated 29.01.2024 disavowing all the allegations, an order has come to be passed on 02.02.2024 suspending the licence of the petitioner for a period of one month from 06.02.2024 to 05.03.2024 by way of administrative action for the contravention found. It is challenging the same that the present writ petition is filed.

5. Admittedly, the petitioner has filed a Statutory Appeal under Rule 66(2) of the Rules challenging order dated 02.02.2024, also seeking personal hearing prior to disposal of the appeal. Mr. Tippu Sultan would accede to the pendency of the appeal before R1 being the Secretary, Health and Family Welfare Department.

6. Thus, rather than intervene with impugned order dated 02.02.2024, mandamus is issued to R1 to hear the petitioner, consider all necessary materials and pass orders on the appeal within a period of four (4) weeks from date of receipt of a copy of this order. The petitioner is also at liberty to seek interim protection from R1 pending disposal of the appeal, that may also be considered by R1, in accordance with law.



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7.This writ petition is disposed in terms of this order. No costs.

Connected miscellaneous petitions are closed.

16.02.2024

vs

Index : Yes / No

Speaking Order

Neutral Citation:Yes

To

- 1.The Secretary,
Health & Family Welfare,
Fort St. George, Chennai-9.
- 2.The Licensing Authority,
Asst. Director of Drugs Control-Zone V,
O/o, The Asst. Director of Drugs Control
359, Anna Salai, Teynampet,
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Dr.ANITA SUMANTH, J.

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