



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos. 14956 & 22077 of 2025

WMP Nos. 16842, 16846, 24828, 24829, & 24830 of 2025

WP No. 14956 of 2025

Mohammed Khasim

Petitioner(s)

Vs

1. The Director Of Drugs Control
Government of Tamil Nadu,
D.M.S. Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.

2. The Assistant Director Of Drugs Control
Zone - III, D.M.S. Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.

3. M.S. Govindarajan

4. R. Chitra

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in Ref No.1464/ADDC/ZIII/2024 dated 04.03.2025 of the 2nd respondent and quash the same and consequently, directing the 2nd respondent to renew the drug licence of Petitioner's medical shop i.e. Shanthi Medicals Shop at No. 98, Bharathi Salai, Royapettah, Chennai - 600 014 within time stipulated fixed by this Court.

For Petitioner(s): Mr.L.G.Sahadevan for
Mr.A.Ilayaperumal

For Respondent(s): Mr.E.Sundaram
Government Advocate
for R1 and R2

Mr.M.Sridhar
for R3 and R4

WP No. 22077 of 2025

Mohammed Khasim

Petitioner(s)

Vs

1. The Director Of Drugs Control
Government of Tamil Nadu,
D.M.S. Building,
359, Anna Salai, Teynampet,
Chennai - 600 006.



2. The Assistant Director Of Drugs Control

Zone - III, D.M.S. Building,

359, Anna Salai, Teynampet,

Chennai - 600 006.

3. The Drugs Inspector,

Mylapore Range,

Chennai.

4. M.S. Govindarajan

5. R. Chitra

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in Ref No.1464/ADDC/ZIII/2024 dated 10.06.2025 and quash the same and consequently, directing the 3rd respondent to return all the materials / medicines seized from the petitioner's medical shop i.e. Shanthi Medicals shop at No.98 Bharathi Salai, Royapettah, Chennai-600 014 within time stipulated fixed by this Court.

For Petitioner(s): Mr.L.G.Sahadevan for
Mr.A.Ilayaperumal

For Respondent(s): Mr.E.Sundaram
Government Advocate
for R1 to R3
Mr.M.Sridhar
for R4 and R5

**ORDER**

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The issue involved in both these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2.The petitioner has challenged the proceedings of the 2nd respondent dated 04.03.2025 and sought for a direction to the 2nd respondent to renew the drug licence of the petitioner in order to enable the petitioner to run the medical shop, in W.P.No.14956 of 2023.

3.The petitioner has questioned the impugned proceedings of the 2nd respondent dated 10.06.2025 and sought for a consequential direction to the Drugs Inspector to return of the materials/medicines seized from the medical shop, in W.P.No.22077 of 2025.

4.The case of the petitioner is that he is running a medical shop with the name and style of Shanthi Medicals for more than 20 years in the subject property. The license was granted by the 2nd respondent on 14.01.2020, to run



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the shop. The petitioner is basing his right under the Rental Agreement dated 02.08.2019. The petitioner was running the medical shop and there was a dispute with the 3rd respondent in W.P.No.14956 of 2025 (herein after referred to as "3rd respondent" in short) and the 3rd respondent gave a complaint to the police. Ultimately, an FIR came to be registered in Crime No.21 of 2024 for alleged offence under Sections 420, 463, 464 and 645 of IPC. In the meantime, attempt was made to illegally take over possession of the shop and the petitioner filed a suit in O.S.No.3587 of 2022 before the learned XIX Assistant City Civil Court seeking for the relief of permanent injunction not to evict the petitioner unless and otherwise by due process of law. The 3rd and 4th respondents also filed a suit in O.S.No.2364 of 2024 against the petitioner and one Baskaran seeking for the relief of delivery of possession and for payment of damages.

5.The petitioner submitted the application dated 12.11.2024 to the 1st respondent to renew and to extend the drug license. The petitioner also paid the requisite fees through a Demand Draft dated 08.01.2025 in favour of the 2nd respondent. The 1st respondent in spite of the receipt of the application failed to



take appropriate action and hence, the petitioner filed W.P.No.4066 of 2025

before this Court seeking for a direction to the 1st respondent to deal with the

application submitted by the petitioner and to take a decision. During the

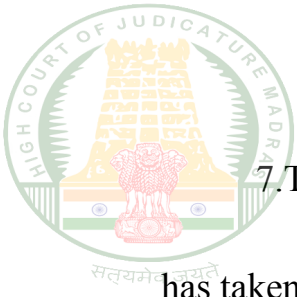
pendency of this writ petition, the 2nd respondent through the impugned

communication dated 04.03.2025, rejected the application submitted by the

petitioner seeking for renewal/extension of the period of drug license.

Aggrieved by the same, W.P.No.14956 of 2025 has been filed before this Court.

6. When the above writ petition was pending, the 2nd respondent through the impugned proceedings dated 10.06.2025 directed the Drugs Inspector, Mylapore to inspect the premises on the ground that the petitioner is continuing to run the medical shop without a license and also to take appropriate enforcement action as per the provisions of the Drugs and Cosmetics Act, 1940 and Rules therein. Pursuant to the same, an inspection was made and it is stated that the medicines were seized and the shop was closed. Aggrieved by the same, W.P.No.22077 of 2024 has been filed before this Court.

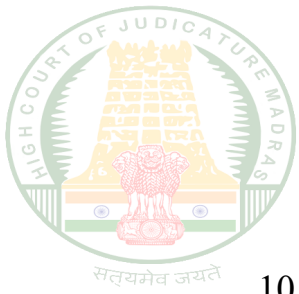


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7. The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that the license issued in the name of the petitioner has expired due to failure to pay the retention fees, within the prescribed period. A further stand has been taken to the effect that there is a tenancy dispute between the 3rd respondent and the petitioner and therefore, the very possession of the petitioner is in question. Apart from that the 2nd respondent has also stated that the petitioner cannot run the shop after the expiry of the license and therefore, further steps were taken to seize the medicines and to close the shop. Accordingly, the 2nd respondent has sought for the dismissal of these writ petitions.

8. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

9. The only issue that requires the consideration of this Court is as to whether the petitioner is entitled for the renewal of drug license.



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10.The specific case of the petitioner in W.P.No.14956 of 2025 is that the 3rd and 4th respondents have executed a Rental Agreement dated 02.08.2019 in favour of the petitioner and the petitioner has been recognized as a tenant in the subject property. Based on the same, licence was also granted by the 2nd respondent and the petitioner was running the medical shop. Thereafter, there was a dispute between the petitioner and the 3rd respondent which resulted in two suits filed and which are pending. Hence, this tenancy dispute by itself cannot be a ground for denying the renewal of license in favour of the petitioner.

11.The learned counsel for the petitioner in order to substantiate his submission relied upon Rule 64 and 65A of the Drugs Rules, 1945. The learned counsel submitted that the petitioner has satisfied the requirements under Rule 64 of the Rules and the tenancy dispute between the petitioner and the 3rd respondent cannot be a ground for the 2nd respondent to deny the renewal of license by placing reliance upon Rule 65A of the Drug Rules, 1945.



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12.The learned counsel in order to substantiate his submission also relied upon the judgement of this Court in ***K.Poruthammal and Others vs. Assistant Director, Drugs Control and Others*** reported in ***2008 4 MLJ 1151***. The learned counsel also relied upon the judgement of this Court in ***S.Hammed Fathimal vs. The Assistant Director, Drugs Control, Tirunelveli Zone, Tirunelveli*** reported in ***CDJ 2011 MHC 4518***. One other judgement that was also relied upon by the learned counsel is ***M/s.Sowndhari Pharmacy rep. by its Partner V.Srinivasan vs. The Director of Drugs Control O/o Director of Drugs Control & Another*** reported in ***CDJ 2017 MHC 6424***.

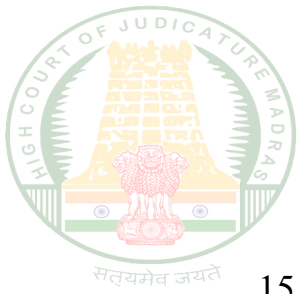
13.The learned counsel for the petitioner by relying upon all the above judgements submitted that this Court has consistently held that the tenancy disputes between the landlord and tenant cannot be a ground to deny renewal of license and that it is not only a pre-requisite under Rule 64 of the Drugs Rules.

14.Per contra, the 3rd respondent who appeared in person submitted that



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the earlier agreement was only with one Baskaran who was recognized as a tenant. He was the one who was running the medical shop. However, during the pandemic period, the petitioner who was working as a Salesman under the said Baskaran managed to fabricate a tenancy agreement and also managed to get a drug license. It was further submitted that a police complaint was given on the ground that a forged document has been created by the petitioner and based on the same, the drug license has been obtained from the authorities. The 3rd respondent further submitted that the petitioner filed the quash petition before this Court and the same was dismissed and a direction was given to complete the investigation and to file a police report, within a period of twelve weeks. The 3rd respondent submitted that he is not even recognizing the petitioner as a tenant and according to him, the petitioner is a rank trespasser and therefore, the suit was filed in O.S.No.2364 of 2024 for delivery of vacant possession and for damages for illegal possession of the property. The 3rd respondent submitted that the judgements that were relied upon by the learned counsel for the petitioner will not apply to the facts of the present case, since the petitioner is not even a tenant and the case does not involve a landlord and tenant dispute.



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15.The learned Government Advocate appearing on behalf of the official respondents submitted that prior to the year 2020, the drug license always stood in the name of Baskaran. To substantiate the same, the original records were placed before this Court. The learned Government Advocate submitted that there is a genuine dispute between the petitioner and the 3rd respondent and therefore, the very nature of possession of the petitioner in the subject property is in question and therefore, the request made by the petitioner seeking for renewal of license was rejected. The learned Government Advocate further submitted that apart from the dispute between the parties, the petitioner failed to pay the retention fees within the prescribed period. Hence, the license had already expired and the grace period also expired and the petitioner will not be entitled for any renewal of drug licence.

16.This Court has carefully considered the submissions made on either side and the materials available on record.



17. The claim made by the petitioner is that he is a tenant in the subject property by virtue of a Rental Agreement dated 02.08.2019. Based on the same, license was granted by the 2nd respondent in the year 2020. The 3rd respondent has denied the status of the petitioner as a tenant in the property and according to the 3rd respondent, the petitioner is a rank trespasser who taking advantage of the absence of the original tenant continued to do business in the medical shop. In other words, the 3rd respondent has recognized only one Mr. Baskaran as tenant and in fact, the drug license also stood in his name prior to the year 2020. In view of the same, a very status of the petitioner claiming himself to be a tenant has been put to question. In the eyes of the 3rd respondent, the petitioner is a rank trespasser.

18. The judgements that were relied upon by the learned counsel for the petitioner speaks about the dispute between the landlord and the tenant. In those judgements, it has been held that for the purpose of renewal of licence, after considering Rule 64 and 65A, it was held that conditions enumerated under Rule 64 must be satisfied and that will suffice to renew the license. The conditions stipulated under the Rule 65A only deals with additional information



for the purpose of verifying the correctness of the statements made by the applicant at the time of applying for license and it relates only to the grant of license originally. This Court has held in the above judgements that while considering the renewal of license, it does not speak about the right of the person with respect to the property but only with respect of the conduct of the person.

19. In the first judgement in ***K.Poruthammal*** case, referred *supra*, there was a dispute with regard to the very ownership of the property. The person concerned was not claiming tenancy but she was claiming to be the owner of the property by virtue of a Sale Deed executed in her favour. The litigation was pending in that regard.

20. Insofar as the second judgement relied upon in the case of ***S.Hammed Fathimal***, referred *supra*, the proceedings initiated before the Rent Controller was dismissed and it was also further confirmed in appeal. Therefore, this Court took into consideration the fact that the petition for eviction under the Rent Act was no more in existence.



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21. In the third judgement that was relied upon in the case of *M/s.Sowndhari Pharmacy*, referred *supra*, this Court had relied upon the above two judgements and had pronounced the law on the issue. In this case also, what was not in dispute is the relationship between the parties and the tenant in that case had not produced the rental deed while applying for license.

22. None of the above three judgements will apply to the facts of the present case. This is in view of the fact that the 3rd respondent denies the very rental agreement that was relied upon by the petitioner and already a police case is pending on the ground that the rental agreement is a fabricated and forged document. Therefore, in the eyes of the 3rd respondent, the petitioner is only seen as a trespasser.

23. Rule 64 of the Drug Rules cannot be stretched or expanded to such an extent that even if a person is a trespasser in the property, he will be entitled for the drug license. What is not a pre-requisite for renewal of license is that there



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must be a subsisting rental agreement. This will arise only when there is a landlord and tenant relationship and there is a dispute. If the status of the petitioner is that a trespasser as per the specific case of the 3rd respondent and the rental agreement that was relied upon by the petitioner is already being tested by the police by giving it for an expert opinion, it will not be appropriate for the authority to renew the drug license. In the absence of renewal of the drug license, there is no question of allowing the petitioner to run the medical shop. Therefore, the authorities have rightly seized the drugs and have not permitted the petitioner to run the medical shop.

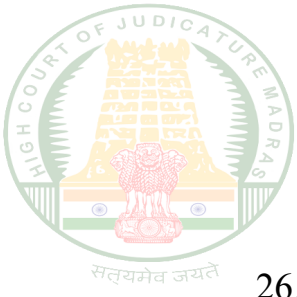
24.The learned counsel for the petitioner submitted that if ultimately, the rental agreement is proved to be a genuine document, during the interregnum period, the petitioner would have suffered for no fault of his by not being granted with the renewal of the drug license.

25.For the present, this Court is concerned about the status of the petitioner as was stated by the landlord. The materials placed before this Court



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also shows that one Baskaran was the tenant and the drug license stood in his name before the year 2020. Therefore, the petitioner who came in to the scene thereafter is alleged to be a trespasser based on a forged and fabricated rental agreement. If ultimately, the rental agreement is found to be a genuine document, the petitioner can always seek for damages and at that point of time, the petitioner can also seek for the renewal of the drug license. If on the other hand, the rental agreement is found to be a forged and fabricated document, the very possession of the property by the petitioner will become illegal and in such a scenario, directing the authorities to renew the drug license will tantamount to granting premium to illegality. Therefore, for the present, this Court does not find any ground to interfere with the decision taken by the authorities not to renew the license and to seize the drugs that were kept in the medical shop. The petitioner also cannot run the medical shop without a license. The petitioner has to necessarily wait for the result of the experts on the genuineness of the rental agreement that has been relied upon by the petitioner. Depending upon the result, the petitioner can always workout his remedy in the manner known to law.



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26. In the result, the relief sought for by the petitioner cannot be granted by this Court and both the writ petitions stand dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

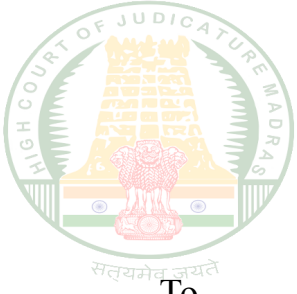
24-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.The Director Of Drugs Control
Government Of Tamil Nadu,, D.M.S.
Building, 359, Anna Salai, Teynampet,
Chennai - 600 006.

2.The Assistant Director Of Drugs
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3.The Drugs Inspector,
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19/19

WP Nos. 14956 & 22077 of 20



N.ANAND VENKATESH J.

SSR

WP Nos. 14956 & 22077 of 2025

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