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WP No. 44138 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 44138 of 2025
AND WMP NO. 49252 OF 2025**

B.Mukesh

Petitioner(s)

Vs

1. Ministry of Health and Family Welfare,
Government Of India,
Rep. By Its Secretary, Nirman Bhawan,
New Delhi,

2.Indian Council of Medical Research,
Rep By Assistant Director General (Admin),
Department of Health Research,
V.Ramalingaswami Bhawan,
Ansari Nagar, New Delhi -110 029.

3.V.Mohan
Chiarman, Madras Diabetes Research Foundation, No. 4,
Conron Smith Road, Gopalapuram, Chennai - 600 086.

4.Tanvir Kaur
Indian Council Of Medical Research,
Department of Health Research,
V.Ramalingaswami Bhawan,
Ansari Nagar, New Delhi - 110 029.

5.RS Dhaliwal
Indian Council of Medical Research,
Department Of Health Research,
V.Ramalingaswami Bhawan,
Ansari Nagar, New Delhi-110 029

Respondent(s)



PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of certiorarified Mandamus, calling for records pertaining to impugned Communication bearing No. 209/Legal Cell/2024, dated 12.02.2025, on the file of the 2nd Respondent and consequently direct the 2nd Respondent to initiate appropriate and necessary action against the 3rd Respondent based on the recommendations of the 1st Respondent vide communication in 1340015/2019/Drug Regulation in File No. X-11035/272/2016-DFQC, dated 14.05.2019 and based on the petitioner's representation dated 05.06.2013.

For Petitioner(s): Mr.T.Mohan, Sr.C.
Mr.Abhinav Parthasarathy
For Respondent: Dr.S.Padma, SPC RR1 & 2

ORDER

This is the second round of litigation between the petitioner and the respondents. The petitioner seeks to espouse the cause of general public by drawing an attention of this Court to the medicine prescribed for treating diabetes and also to take action against the third respondent for recommending a wrong medicine for the treatment of diabetes.

2. It is the case of the petitioner that the petitioner is a practising Medical Doctor and his complaint is against the third respondent who is also a fellow medical Doctor and serves as Chairman of the Madras Diabetes Research Foundation. It is the case of the petitioner that the tablet 'Pioglitazone' is an



efficient drug of diabetes. However, the third respondent has given an opinion that the use of the drug 'Pioglitazone' has side effect which leading to bladder cancer. It is the further case of the petitioner that he has given a complaint to Central Vigilance Commission alleging criminal conspiracy /false propaganda with regard to drug 'Pioglitazone'. On 14.05.2019, the first respondent responded the allegation of the petitioner stated that the drug 'Pioglitazone' was banned in France and Germany and the action of the Government was on the side of the caution. In the place of tablet 'Pioglitazone', tablet 'Sitagliptin' was recommended. One of the grievance of the petitioner is that the tablet 'Pioglitazone' is cost about only Rs.4/- whereas tablet 'Sitagliptin' is cost about Rs.40/-. Therefore, the petitioner suspects that the third responded is responsible for change of tablet which has benefited the private pharma company. Seeking for mandamus to the respondents to initiate appropriate and necessary action against the third respondent, the petitioner had earlier approached this Court by way of W.P.no.26484 of 2023. The said writ petition was disposed of by directing the second respondent to give an opportunity of hearing the petitioner and the 3rd respondent and other persons deemed appropriate and pass orders on the representation of the petitioner.

3. In compliance to the direction of this Court, an enquiry was conducted by the second respondent and an order dated 12.02.2025 was passed wherein it is stated that the tablet 'Pioglitazone' was banned only for a period of six weeks



and the ban was subsequently revoked.

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4. The main grievance of the petitioner is that the enquiry was not conducted in a fair and proper manner and the authorities who heard the petitioner and the authorities who heard the 3rd respondent were different and therefore, the direction of this Court was not complied with in a strict manner. The petitioner seeks a direction upon the second responded to initiate and appropriate action against the third responded.

5. This Court does not wish to express any opinion on the claim made by the petitioner. This Court does not possess any expertise to go into the factual aspect as to which drug is beneficial for the treatment of diabetes.

6. This writ petition is disposed of with a direction to the first respondent to form a team of experts to go into this aspect as it concerns public health. The team of experts shall enquire the petitioner and the third responded on the same day. The experts shall give their opinion about the both the drugs and recommend the drug that is suitable for consumption of the diabetes patients in our country. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The first respondent is directed to ensure that the order of this Court is implemented in strict manner since it involves public health and also Crores of diabetes patients in this



country. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Government Of India, Rep. By Its
Secretary, Nirman Bhawan, New Delhi,

2.Indian Council Of Medical Research,
Rep By Assistant Director General
(admin), Department Of Health
Research, V.Ramalingaswami Bhawan,
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M.DHANDAPANI J.

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