



W.P.No.15852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.15852 of 2025

and

W.M.P.Nos.17927 & 17932 of 2025

M/S.MUTHAMIL MEDICALS,
REP. BY ITS PROPRIETOR,
S.M.LAKSHMANAN,
S/O.MARUTHAPILLAI,
NO.33/1, PANCHALI AMMAN KOVIL STREET,
ARUMBAKKAM,
CHENNAI-600 106.

... Petitioner

Vs

1. THE DIRECTOR OF MEDICAL SERVICES,
TEYNAMPET, CHENNAI.
2. THE ASSISTANT DIRECTOR OF DRUG CONTROL,
O/O.THE ASSISTANT DIRECTOR OF DRUG CONTROL,
ZONE- II, CHENNAI-600 006.
3. THE DURG INSPECTOR,
ARUMBAKKAM RANGE,
ZONE- II, CHENNAI-600 106.
4. RATHAN GANDHI AMMAL
5. MUTHU KUMARAN

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned show cause notice dated 18.04.2025, Ref.No.2456/ADDC/ZII/2023 issued by the second respondent and quash the same and consequently direct the second respondent to extend / renew the license of the petitioner medical shop viz., Muthamil Medicals by considering the application of the petitioner dated 04.04.2025.

For Petitioner : Mr.T.S.Kannan
for Mr.S.M.Nandhie Devhan

For R1 to R3 : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition is filed challenging the impugned show cause notice dated 18.04.2025 made in Ref.No.2456/ADDC/ZII/2023.

2. In view of the nature of the order that is passed, this writ petition is disposed of at the admission stage without notice to the fourth and fifth respondents.

3. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the writ petition and the material



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records of the case, the grievance of the petitioner is that he is a tenant. When a dispute arose between the petitioner and his landlord, the landlord has taken up the matter to the respondents, namely, the licensing authorities under the Drugs and Cosmetics Act, 1940. The license issued in respect of the pharmacy of the petitioner expired by 28.04.2025. Earlier, when renewal was not granted, the petitioner approached this Court through W.P. No. 3744 of 2023. By an order dated 09.02.2023, this Court directed the respondents to issue a show cause notice and decide the matter.

4. In the said writ petition, this Court held that a landlord-tenant dispute cannot be considered by the respondents. Therefore, for the current year, once again a show cause notice was issued on 18.04.2025. The petitioner has submitted a reply, citing this Court's earlier decision as well as the decision in ***K.P. Rajendran v. The Director, Drug Control Department and Others in W.P.(MD).No.18819 of 2015***. Therefore, the petitioner seeks to quash the show cause notice and to consider his application for renewal.

5. Mr.E.Sundaram, the learned Government Advocate takes notice on behalf of the respondents 1 to 3 would submits that the respondents has to determine whether there is any valid permission for the premises.



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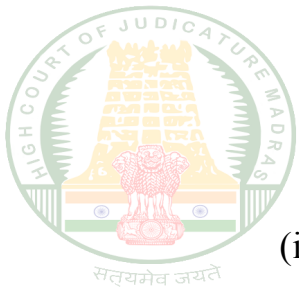
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6. When this Court has already decided the issues in an earlier round, the same is binding on all parties as a judgment inter partes. Therefore, for the current year, when a show cause notice was issued on 18.04.2025 and the petitioner submitted his reply, the respondents cannot refuse to extend the licence without even passing an order.

7. In view thereof, this writ petition is disposed of on the following terms:-

(i) Pursuant to the show cause notice dated 18.04.2025, the petitioner's reply dated 24.04.2025 shall be considered in the light of the earlier judgment in W.P. No. 3744 of 2023 dated 09.02.2023 and other relevant judgments and materials produced by the petitioner.

(ii) A final order shall be passed in accordance with law after issuing notice to the petitioner as well as to the fourth and fifth respondents. Until the final orders are passed, the petitioner shall be entitled to continue operations.



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(iii) The aforesaid exercised shall be completed within a period of eight

weeks from the date of receipt of web copy of this order without waiting for the certified copy of the order.

(iv) Consequently, connected miscellaneous petition is closed. No costs.

30.04.2025

Neutral Citation: Yes/No
nsl

To

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2. THE ASSISTANT DIRECTOR OF DRUG CONTROL,
O/O.THE ASSISTANT DIRECTOR OF DRUG CONTROL,
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D.BHARATHA CHAKRAVARTHY, J.

nsi

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