

**S.Subramanian Vs. Director of Drug Control and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/920509](http://sooperkanoon.com/920509)

**Court :** Chennai

**Decided On :** Aug-09-2011

**Judge :** Vinod K.Sharma, J.

**Acts :** [Drugs and Cosmetics Act 1940](#)

**Appeal No. :** W.P.(MD)No.5956 of 2007

**Appellant :** S.Subramanian

**Respondent :** Director of Drug Control and anr.

**Advocate for Pet/Ap. :** Mr.V.Kannan, Adv.

**Judgement :**

1. The petitioner has invoked the writ jurisdiction of this court, with a prayer for issuance of a writ, in the nature of Mandamus, directing the respondents to consider and decide the application moved by the petitioner, for renewal of license for manufacture and sale of Siddha Drugs Gomathy Moola Lekiaum.

2.It is not in dispute that the prayer made by the petitioner for renewal of license is no longer available to him, as he has shifted from original license place to 4/94, North Street, Mela Thiruvengathanthapuram, Tirunelveli-6.

3.According to the provisions of the [Drugs and Cosmetics Act 1940](#), on shifting of the premises, the manufacturer is required to get a new license. The petitioner,

accordingly, applied for grant of new license with permission to shift the premises to the new place of manufacturing.

4.Though, under the statutory provisions of law, the respondents were required to decide the application within three months, but till date, no action has been taken on the application, as neither the application has been rejected nor the license granted to the petitioner.

5.This fact is not disputed by the counsel appearing on behalf of the State, that till date, no decision has been taken on the application filed by the petitioner. This shows that the respondents Nos.1 and 2 have scant respect for the provisions of law, which deserves to be depreciated. The respondents are under statutory obligation to take a decision on the application for grant of license as per provisions of [Drugs and Cosmetics Act 1940](#).

6.The writ petition is allowed, a writ in the nature of mandamus is issued, directing the respondents to take a decision on the application made by the petitioner, for shifting of place of manufacture and for grant of new license, in accordance with law.

7.The needful be done within one month of the receipt of certified copy of this order. No costs.

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