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WA-3259-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 25th OF NOVEMBER, 2025

WRIT APPEAL No. 3259 of 2025

RAJPAL KATARIA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shree Pal Jain and Shri Sahil Billa - Advocates for appellant.

Shri Anubhav Jain - Government Advocate for respondents/State.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

1. Appellant impugns order dated 31.03.2025 whereby the writ petition filed by the appellant impugning the sealing of the shop of appellant as well as suspension and cancellation of his drug licence has been dismissed.
2. Learned Single Judge by the impugned order has noticed that appellant has an alternative efficacious remedy of appeal in terms of Rule 66(2) of the Drug Rules, 1945 whereby an appeal is permitted to the State Government.
3. The subject case is one of the most shocking case in the medical history where as many as 30 children have died by alleged consumption



of cold syrup by the name of Coldrif. The deaths started happening in the month of August, September and October. The appellant admittedly is a distributor of the Coldrif cold syrup. A raid was conducted on the premises of appellant on 02.10.2025 where stock of the said medicine was found. The shop of the appellant was sealed and thereafter on 09.10.2025, a show cause notice was issued to appellant to show cause as to why the action under the Drug and Cosmetic Rules, 1945 be not taken of suspension and cancellation of licence. Thereafter, another show cause notice was issued on 11.10.2025 giving appellant time to respond on that very day.

4. It is the case of appellant that appellant had filed a reply on 10.10.2025 asking for further time to respond on the ground that the documents of appellant were lying sealed in the subject premises.
5. Learned Single Judge has noticed the provisions of Rule 66 of Drug and Cosmetic Rules, 1945 which provides for an appeal and has declined to exercise the jurisdiction under Article 226 of the Constitution of India in favour of appellant.
6. We are of the view that appellant has an efficacious alternative remedy of filing an appeal before the State Government. The remedy under Article 226 of the Constitution of India is not an absolute remedy but its a discretionary remedy. In the facts of given case, learned Single Judge has refused to exercise the jurisdiction under Article 226 of the Constitution of India. We are in agreement with the view taken by the learned Single Judge that this is not a case where Court should exercise



the discretion under Article 226 of the Constitution of India. In case an appeal is filed by the appellant before the State Government, the State Government would be entitled to look into all the facts and circumstances of the case to decide the said appeal.

7. We find no infirmity in the view taken by the learned Single Judge or any merit in the appeal. The appeal is accordingly, dismissed.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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