

Court No. - 40

Case :- WRIT - C No. - 32707 of 2023

Petitioner :- Mohd. Amazad Khan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mushir Khan, Afroz Ahmad, Mohammad Wadood, Mohd Zubair, Saddam Husain

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Shri Sharad Chandra Upadhyay, learned Standing Counsel for State respondents.

2. Present writ petition has been preferred for following relief:-

"(I) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent concern to release the entire equipment along with machines from the sealed hospital namely bharat Hospital, Bhathat Bazar, District-Gorakhpur."

3. The record in question reflects that the petitioner was running a nursing home at Gorakhpur in the name of "Bharat Hospital, Bhathat Bazar, Gorakhpur, which was registered w.e.f. 1.7.2022 to 30.4.2023. On 10.2.2022 the respondent no.4 made an spot inspection and due to change of place of Hospital, the same was sealed. It is contended that the hospital was registered on the address of Parsauna Bhathat, Gorakhpur and due to road construction the petitioner had changed the premises of the hospital in a rented accommodation. The petitioner had requested the authorities that he did not want to run the hospital and as such requested only to open the seal of his hospital and release the equipment along with machines in favour of the petitioner. It is contended that he has to pay heavy rent per month and due to sealing of rented premises he is suffering huge financial loss and as such this Court may accord indulgence in the matter. It is also contended that on several representations being made by the petitioner, the Chief Medical Officer, Gorakhpur has taken cognizance and sent a letter dated 3.8.2023 to the District Magistrate, Gorakhpur, whereby it was informed that in a meeting of District Registration Authority under the Clinical Establishment (Registration and Regulation) Act, 2010 it was decided that a committee may be constituted by the District Magistrate to look into and redress the grievances of the petitioner. It is alleged that inspite of the aforesaid order dated 3.8.2023, the grievance of the

petitioner has not been redressed causing irreparable loss to the petitioner and as such this Court may come for rescue and reprieve of the petitioner.

4. On the other hand, learned Standing Counsel fairly states that in case any such committee has been constituted, definitely the grievance of the petitioner will be redressed in accordance with law within stipulated period.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits of the issue and with the consent, the writ petition stands **disposed of** asking the District Magistrate, Gorakhpur to look into, examine and redress the grievance of the petitioner in accordance with law expeditiously and preferably within six weeks from the date of production of certified copy of this order.

Order Date :- 31.10.2023
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