

Court No. - 40

Case :- WRIT - C No. - 35954 of 2023

Petitioner :- Dr. Mohd. Ilyas

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Prashant Sharma

Counsel for Respondent :- C.S.C.,Jai Krishna Tiwari

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Prashant Sharma, learned counsel for the petitioner, Shri Krishna Tiwari, learned counsel appearing for the respondent no. 4 and learned Standing Counsel for the State-respondents.

2. The petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 & 6 to consider the grievance of the petitioner and pass an appropriate order for re-opening the seized clinic of the petitioner forthwith.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent nos. 1 & 2 to issue clear guidelines regarding the jurisdiction of the concerned authorities who will take action on the complaint initiated against Ayurvedic and Unani Doctors.

(iii) issue a writ, order or direction in the nature of mandamus directing the respondents to consider the case of the petitioner and pass speaking order deciding the representation dated 18.09.2023 forthwith."

3. The petitioner is a registered doctor having a degree of B.A.M.S. bearing registration no. 64709 and is also registered in the office of respondent no. 5 having registration no. 256/DAVO. The said registration certificate has annexed as Annexure-2 to the writ petition. Learned counsel for the petitioner states that, in most arbitrary manner, the clinic of the petitioner has been sealed. He has already made detailed representation to the fifth respondent but till date, no remedial measure has been taken by the prescribed authority, i.e., respondent no. 5.

4. Considering the facts and circumstances, no useful purpose would be served in keeping the writ petition pending consideration. With the consent of the counsel for the parties, the writ petition stands **disposed of** leaving it open to the petitioner to move a fresh representation before the competent authority within a week's time, in case, any such representation is made, definitely, the same shall be considered strictly in accordance with law in further three weeks. Suffice it to indicate that we have not adverted into the merits of the case.

Order Date :- 30.11.2023

Rama Kant