

Chief Justice's Court

Case :- WRIT - C No. - 6744 of 2023

Petitioner :- M/S D.S. Hospital Through Its Manager Ajeet Singh

Respondent :- State Of U.P. Thru. Prin. Secy., Medical And Health And Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C., Ashok Kumar Verma

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Rajan Roy, J.

1. Heard Sri Ajay Pratap Singh, learned counsel for the petitioner, Sri Ashok Kumar Verma, learned counsel for U.P.P.C.B. and Sri V.P. Nag, learned Standing Counsel for the State.

2. This petition has been filed with the following prayers:-

(i) To issue a writ, order or direction in the nature CERRIORARI thereby quashing the impugned order dated 12.07.2023 passed by the Opposite Party No. 3 and 4, contained as Annexure no. I to the Writ Petition.

(ii) To Issue a writ, order or direction in the nature of CERRIORARI thereby quashing the Inspection Report dated 23.05.2023 after summoning the same from its custodian.

(iii) To issue any other writ, order or section which this Hon'ble Court deems fit and proper in the circumstances of the case

(iv) To award the cost of this petition in favour of the petitioner."

3. The only ground pressed at this stage of argument by learned counsel for the petitioner is that the order has civil consequences and is prejudicial to the petitioner who runs a hospital but it has been passed without any opportunity of hearing

4. On being confronted, Sri Ashok Kumar Verma, learned counsel for the Pollution Control Board fairly submitted that no notice for opportunity of hearing was given.

5. In our opinion, this is sufficient for quashing the impugned order. We, accordingly, quash the impugned order dated 12.07.2023, however, with liberty to the opposite parties to initiate fresh proceedings and take a fresh decision if they so desire but after giving opportunity of hearing to the petitioner

and providing material adverse to him which is proposed to be considered.

6. Accordingly, the petition is **allowed** in the aforesaid terms.

Order Date :- 17.8.2023

Shanu/-

(Rajan Roy,J.) (Pritinker Diwaker,CJ.)