

GAHC010037902024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1127/2024

TOWAJ UDDIN AHMED
SON OF AKIBUL HUSSAIN, RESIDENT OF VILLAGE- PUTHIMARI, P.O. AND
P.S. CHAPAR, DISTRICT- DHUBRI, ASSAM, PIN- 783371

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
DISPUR
GUWAHATI- 781006

3:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
CUM-STATE APPROPRIATE AUTHORITY UNDER PC AND PNDDT ACT
SWASTHYA BHAWAN
HENGRAHARI
GUWAHATI- 781036

4:THE ADDITIONAL CHIEF MEDICAL AND HEALTH OFFICER (FW)
CUM-STATE APPROPRIATE AUTHORITY UNDER PC AND PNDDT ACT
SWASTHYA BHAWAN
DHUBRI
DISTRICT- DHUBRI
ASSAM

5:THE DEPUTY COMMISSIONER
DHUBRI
DISTRICT DHUBRI
ASSAM
PIN- 78330

Advocate for the Petitioner : MR A T M HUSSAIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 01-03-2024

Heard Mr. A.T.M. Hussain, learned counsel for the petitioner; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 1 & 5; and Ms. S. Sarmah, learned Standing Counsel, Health & Family Welfare Department for the respondent nos. 2, 3 & 4.

2. The petitioner has stated that he is a doctor by profession and also the proprietor of one ultra-sonography centre, which is presently situated at Line Road, Jhograpar Part-I, District – Dhubri. It is the case of the petitioner that due to certain unavoidable situations, the petitioner desirous of shifting the ultra-sonography centre to his native place at Chapar Bazar, which is within the district of Dhubri. It is submitted that the petitioner requesting permission to shift the ultra-sonography centre from its present place, Jhograpar Part-I to Chapar Bazar, has submitted three number of representations on 29.12.2023, 27.01.2024 and 05.02.2024 respectively before the respondent no. 4. Submitting that those representations have not been considered and disposed of by the respondent no. 4 till date, the petitioner has to approach this Court by the instant writ petition seeking *inter alia* a direction to the respondent no. 4 to consider the said representations.

3. Mr. Sarmah, learned Standing Counsel, Health & Family Welfare Department has submitted that since the petitioner has stated that the afore-mentioned representations are pending for consideration before the respondent no. 4 till date, this writ petition can be disposed of with a direction to the respondent no. 4 to take the representations of the petitioner, stated to have been submitted before the respondent no. 4, for consideration and after due consideration, to dispose of the same by way of a speaking order. Mr. Hussain,

learned counsel for the petitioner has agreed to the submission advanced by Ms. Sarmah.

4. In view of the broad consensus arrived at by the learned counsel for the parties in the aforesaid manner, this Court is of the considered view that instead of keeping this writ petition pending, this writ petition can be disposed of with a direction to the respondent no. 4 before whom the representations, stated to have been submitted by the petitioner, are pending, to consider and dispose of the same by way of a speaking order in accordance with law. It is observed that such speaking order shall be passed within a period of 1 [one] month from the date of receipt of a certified copy of this order at his office from the petitioner and the decision arrived at by the respondent no. 4 after such consideration, shall be communicated to the petitioner thereafter. It is made clear that this Court has not made any observation as regards the merits of the claim of the petitioner for shifting of the ultra-sonography centre from the present place to the intended place, meaning thereby, the respondent no. 4 shall consider the representations as per the extant law and procedure.

5. This order disposes of the writ petition.

JUDGE

Comparing Assistant