

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10812 OF 2013

Dr. Arun Patil and Another.	..	Petitioners
Vs		
State of Maharashtra and Others.	..	Respondents
—		
Shri Vivek V. Salunke for the Petitioners.		
Shri V.S. Gokhale, AGP for the Respondents.		
--		

CORAM : A.S. OKA & A.PBHANGALE, JJ
DATED : 9TH APRIL 2015

PC.

. The learned AGP has placed on record a communication dated 7th April 2015 received by him from the Medical Superintendent, Niphad. The same is taken on record and marked “A” for identification.

2. In view of the order dated 18th February 2015, the prayer clauses (c), (d) and (e) will have to be considered. As far as the order passed on 27th June 2011 by the Civil Surgeon, Nashik is concerned, it appears that the said order is under Rule 7 of the Medical Termination of Pregnancy Rules, 2003. The Rule 8 of the said Rules gives right to the owner of the place who is aggrieved by an order made under Rule 7 of the said Rules to make an application for Review of the order within a period of 60 days from the date of the order. There is a power vesting

in the State Government to condone the delay. There is a power vesting in the State Government to reverse the order passed under Rule 7 of the said Rules.

3. As far as the orders impugned governed by the prayer clauses (c) and (d) are concerned, we find that the remedy of Appeal has been provided under Section 21 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

4. The learned counsel appearing for the Petitioners submits that the impugned orders have been passed in breach of the principles of natural justice. He pointed out that this Court has already issued a notice for final disposal.

5. It is not disclosed in the Petition that the statutory remedies are available against the impugned orders. As the statutory remedies are available, at this stage, it is not necessary to entertain this Petition.

6. Accordingly, the Petition is disposed of. If the Petitioners adopt statutory remedies of Appeal and/or Review, the concerned Authorities are bound to note that the present Petition was filed on 12th November 2013 and the same remained pending till today in this Court. The Appeal and/or Application for Review if filed by the Petitioners, the

same shall be decided as expeditiously as possible and in any event within a period of three months from the date of filing thereof.

7. As are as the prayer clauses (b) and (f) are concerned, as observed in the order dated 18th February 2015, the remedies of the Petitioners remain open. Order accordingly.

(A.PBHANGALE, J)

(A.S. OKA, J)