

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 30315 of 2015 (S)

PETITIONER(S):

M.K.SALIM, AGED 58 YEARS
S/O LATE HAJEE M.K. AHMED KUNJU
RESIDING AT HAJI MANZIL, MAIN ROAD, KOLLAM-691 001

BY SRI.M.K.SALIM (PARTY-IN-PERSON)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETAY, KERALA STATE
GOVERNEMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001
2. THE PRINCIPAL SECRETARY TO GOVERNMENT
HEALTH & FAMILY WELFARE DEPARTMENT
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM-695 001
3. THE SECRETARY
KEALA STATE LEGISLATIVE ASSEMBLY
LEGISLATURE COMPLEX, THIRUVANANTHAPURAM-695 001

BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 30315 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE GOVT. OF INDIA GAZETTE NO.31 DT. 19/08/10

EXT.P2: TRUE COPY OF THE NEWS ITEM APPEARED IN TIMES OF INDIA ON
4/2/14

EXT.P3: TRUE COPY OF THE NEWS ITEM APPEARED IN HINDU DAILY DT.
15/4/15

EXT.P4: TRUE COPY OF THE COMMUNICATION RECEIVED BY THE PETITIONER
FROM THE OFFICE OF THE 2ND RESPONDENT DT. 25/5/15

EXT.P4 (A) : TRUE ENGLISH TRANSLATION OF EXT.P4

EXT.P5: TRUE COPY OF THE CLINICAL ESTABLISHMENT (REGISTRATION &
REGULATION) BILL PRESENTED IN THE THIRTEENTH KERALA ASSEMBLY AS BILL
NO.230

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.P.(C)No.30315 of 2015

Dated this the 13th day of October, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

2. The petitioner has filed this writ petition as a Public Interest Litigation. The petitioner has appeared in person. In the writ petition, the petitioner has prayed for the following reliefs :

"i) To issue a writ of mandamus, order or direction commanding and compelling the respondents 1 and 3 to see that the report of the Advisory committee on **THE KERALA CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) Act, 2013** is placed before the Kerala Legislative Assembly and a date and time for presentation and discussion of the proposed Act is allotted :

ii) To issue such other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. The petitioner's case is that a Bill, namely the Kerala Clinical Establishments (Registration and Regulation) Act, 2013, has already been prepared, but about 2 years have been lapsed, the Bill has not yet been passed by the Kerala Legislative Assembly. The learned Special Government Pleader appearing for the State has submitted that the Bill has already been approved by the Cabinet and it is pending consideration before the Business Advisory Committee. The petitioner appeared in person and has submitted that since two years have been lapsed and as the Cabinet has already been approved the Bill, a direction may be issued to the respondents to place the Bill before the Assembly for consideration.

4. It is well settled that, with regard to the legislative business, this Court cannot issue a mandamus. The Bill having been approved by the Cabinet, it has to come to its logical end and it is for the Advisory Committee and then the Legislature to take appropriate measures as provided by

law. Recording the aforesaid statement of the learned Special Government Pleader that the Bill is pending consideration before the Advisory Committee, we direct that appropriate steps shall be taken in accordance with law as expeditiously as possible. Hence we close the writ petition with the above observation.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge