



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A.(MD)No.147 of 2015

The District Appropriate Authority,
Pre conception and Pre Natal Diagnostic,
(Prohibition of Sex Selection) Act, 1994 and
Joint Director of Health Services,
Dindigul District. ... Appellant/Respondent/Respondent

Vs.

Ar.Santhini ... Respondent/Petitioner/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 04.02.2015 in M.P.(MD)No.1 of 2015 in W.P.(MD) No.573 of 2015 by the Learned Single Judge.

Prayer in MP(MD). 1/ 2015 in WP(MD).573/2015 :

Petition praying that in the circumstances stated therein and in the affidavits filed therewith the High Court will be pleased to grant an order of Interim Stay of the operation of the Proceedings of the Respondent herein in Ref. No. 5769/HS/2014 dated 24.12.2014, so as to enable the Petitioner herein to continue her operation in the Scan Centre attached to Arunaa Clinic pursuant to the registration in Form B, which is valid up to 14.05.2017. pending disposal of the above Writ Petition.

Prayer in WP(MD). 573/ 2015 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, or any appropriate Writ order direction in the nature of Writ of Certiorari calling for the records relating to the Proceedings of the Respondent herein, viz., the proceedings under Ref. No. 5769/HS/2014 dated 24.12.2014 and quash the same.

For Appellant : Mr.K.Chellapandian, AAG

For Respondent : Mr.Ajmal Khan Senior Counsel for
Mr.A.L.Gandhimathi



JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN, J.)

Challenging the interim order dated 04.02.2015 in M.P.(MD)No.1 of 2015 in W.P.(MD)No.573 of 2015, this Writ Appeal has been preferred.

2.Heard the learned Additional Advocate General appearing for the appellant as well as the learned counsel appearing for the respondent.

3.It is seen that the Writ petition has been filed seeking an order in the nature of Writ of Certiorari, calling for the records pertaining to the proceedings of the District Appropriate Authority Pre-conception and Pre- Natal Diagnostic (Prohibition of Sex Selection) Act, 1994 and Joint Director of Health Services, in Ref.No.5769/HS/204, dated 24.12.2014 and quash the same.

4.In the aforesaid Writ petition, M.P.(MD)No.1 of 2015 was filed by the respondent / Writ petitioner seeking interim stay of the operation of the proceedings in Ref.No.5769/HS/204, dated 24.12.2014 passed by the appellant herein.

5.As per the order dated 04.02.2015, the Learned Single Judge granted an order of interim stay for a period of four weeks and made it clear that the appellant, who is the respondent in the Writ petition should open seal so as to enable the petitioner to run the scan centre for a period of four weeks and the application pertaining to the petitioner's daughter will be considered strictly in accordance with law and the Writ petition was directed to be posted after a period of four weeks.

6.Learned Additional Advocate General appearing for the appellant submitted that the appellant herein has filed counter affidavit in the Writ petition subsequently.

7.On the aforesaid facts and circumstances, it is crystal clear that the appellant / respondent is having appropriate remedy to go before the Learned Single Judge to explain the stand taken by the said authority. Before exhausting the said remedy, we are of the view that the appellant cannot file the Writ Appeal against the ad interim order passed by the Learned Single Judge.

8.The Writ Appeal is disposed of. Accordingly, to meet ends of justice, we are of the view that the Learned Single Judge shall consider and dispose of the M.P.(MD)No.1 of 2015 pending before him as expeditiously as possible preferably within a period of two weeks from today and the Writ petition shall also be disposed of as early as possible, in accordance with law.

Sd/
Assistant Registrar

/True copy/



To.

The District Appropriate Authority,
Pre conception and Pre Natal Diagnostic,
(Prohibition of Sex Selection) Act, 1994 and
Joint Director of Health Services,
Dindigul District.

+1cc to M/S. AL.Ganthimathi, Advocate in SR.No. 11086

Copy to

The Section officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

TS/20.03.2015/3P-4C

W.A. (MD) No.147 of 2015

09.03.2015