

CWP No.5146 of 2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5146 of 2014

Date of Decision: April 01, 2015

Aggarwal Diagnostic Centre & another

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court praying for quashing of the order dated 13.02.2014 (Annexure P-15) passed by the Chairman, District Appropriate Authority-cum-Civil Surgeon, Rohtak-respondent No.2 denying the renewal of the licence of the ultrasound clinic which is being run by the petitioner.

It is the contention of the counsel for the petitioner that the ground for not accepting the request of the petitioner for desealing of ultrasound machine and renewal of licence of ultrasound clinic was the pendency of FIR No.1365 dated 22.10.2012, registered at Police Station City Panipat, under Section 420 IPC and Sections 23 and 34 read with Rule 18 of PC and PNDT Act. Another reason was the pendency of Criminal Miscellaneous Application No.33190 of 2013, preferred by the petitioner for quashing of the above mentioned FIR. He contends that both these grounds as of now do not survive in the case of the petitioner as the FIR

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which was registered against the petitioner stands quashed vide order dated 03.11.2014 passed in Criminal Miscellaneous Application No.33190 of 2013, titled as Sunil Aggarwal Vs. State of Haryana & others (Annexure-A/1). He further states that with the quashing of the FIR and allowing of the Criminal Miscellaneous Application preferred by the petitioner, the grounds which had been pressed into service for rejecting the prayer of the petitioner, do not survive and therefore, the impugned order dated 13.02.2014 (Annexure P-15) deserves to be quashed.

On the other hand, counsel for the respondents submits that at the time when the said order was passed, both these grounds which have been taken to deny the petitioner the renewal of the licence of ultrasound clinic were available and it cannot be said that the said order was without any basis. He, however, could not dispute the fact that with the changed circumstances, the said grounds would not be available now to the Competent Authority to support the impugned order.

In view of the above, the present writ petition is allowed. Impugned order dated 13.02.2014 (Annexure P-15) is set aside. Direction is issued to the Chairman, District Appropriate Authority-cum-Civil Surgeon, Rohtak-respondent No.2 to reconsider the claim of the petitioner as per his application dated 06.01.2014 and pass an appropriate order, in accordance with law, within a period of four weeks from the date of receipt of certified copy of the order.

Copy of the order be given *dasti* to the counsel for the parties under the signatures of the Special Secretary of this Court.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 01, 2015