

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

-
Writ Petition No. 1646 of 2016

Date:20.04.2016

-
-

Between:
Dr. Roya Rozati,
Hyderabad.

.....Petitioner

And

The Andhra Pradesh State Human Rights Commission,
Represented by its Deputy Registrar,
Gruhakalpta,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No. 1646 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr. Vedula Venkataramana, learned Senior Counsel for the petitioner and Mr. Akshay Gupta, learned counsel holding for Mr. Shyam S. Agrawal, learned counsel for respondent No.1.

Petitioner, in the instant writ petition, seeks the following prayer.

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st Respondent herein in entertaining and taking cognizance of an undated complaint registered as HRC Case No. 317 of 2016, made by the 5th Respondent herein with frivolous allegations, unsupported by any material evidence, against the petitioner herein and further proceeding with the same as illegal, arbitrary, malafide, without jurisdiction and contrary to Regulation 11 of Andhra Pradesh State Human Rights Commission (Procedure) Regulations, 2013, framed by the Andhra Pradesh State Human Rights Commission in exercise of the powers conferred by Sub-section (2) of Section 10, R/w. Sec. 29 of the Protection of Human Rights Act, 1993 (Central Act of 1994) and consequently set aside the proceedings in HRC Case No. 317/2016 on the file of the 1st Respondent herein and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

We have perused the order dated 12.1.2016, passed by the Andhra Pradesh State Human Rights Commission (for short 'the State Human Rights Commission') in proceedings bearing No. HRC 317/16, impugned in the present writ petition. By this order, the State Human Rights Commission issued direction to the Director of Medical Education, Telangana State, Hyderabad and the Commissioner of Police, Hyderabad City to examine:

“ i) whether the Maternal Health and Research Centre, Road No.3, Banjara Hills, Hyderabad, run by Dr. Roya Rozati is a registered Health and

Research Centre to give IVF treatment etc., .

(ii) what kind of treatment the deceased was given during the period of two months and

(iii) what are the drugs administered to the deceased during the course of treatment.”

From bare perusal of directions issued by the State Human Rights Commission, it appears to us that no adverse order, as such, is passed against the petitioner. It is open to the petitioner to approach the State Human Rights Commission, and to produce the relevant materials before it or to seek disposal of the proceedings on the grounds that may be available to the petitioner. It is also open to the petitioner to make all the documents/materials available to the Director of Medical Education and the Commissioner of Police, if he so desires.

Keeping all these options open to the petitioner, we dispose of this writ petition with liberty to the petitioner to take appropriate remedy if any adverse order is passed by the State Human Rights Commission.

W.P.M.P. No. 14352 of 2016

In view of this order, nothing survives in the implead application and it is disposed of.

Consequently, other pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

20th April, 2016

Pnb