

\$~80

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4787/2016 & C.M.No.19950/2016

SHREE NARAYAN FOUNDATION TRUST Petitioner

Through Ms.Richa Kapoor with Mr.Ashish
Negi, Advocates.

versus

UNION OF INDIA & ANR Respondents

Through Mr.Amrit Pal Singh, Advocate for R-
1.
Mr.T.Singhdev with Ms.Biakthan
Sangi and Mr. Tarun Verma,
Advocates for R-2.

% Date of Decision: 23rd May, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the recommendations dated 31st December, 2015 and 1st March, 2016 whereby the respondent no. 2-MCI has disapproved the Scheme submitted by the petitioner for establishment of a medical college in Bihar on the ground that the petitioner-Trust did not possess 20 acres of land in its name at the time of making the application. The petitioner also prays for a direction to the respondents to allow the petitioner to start the new medical college w.e.f. 2016-17.

2. Ms. Richa Kapoor, learned counsel for the petitioner submits that respondent no. 2-MCI has proceeded on a wrong premise that the land on which the petitioner-Trust sought to establish the medical college is held by

three different legal entities.

3. It is the submission of learned counsel for the petitioner that Sri Narayan Medical Institute and Hospital and Kameshwari Kumari owe their existence to the petitioner-Trust and its bye-laws. She also emphasised that the Sub-Divisional Magistrate had certified on 10th April, 2014 that the petitioner owes 26 Bigha, 14 Kattha, 19 Dhur, 7 Dhurki or 25 acres of land in its name.

4. However, learned counsel for respondent no.2-MCI states that the present writ petition is premature as the impugned letters are only in the nature of recommendation to the Union of India who has yet to take a final decision. He has also shown to this Court the notification dated 26th August, 2009, by virtue of which a time schedule has been laid down for processing of any application for setting up a medical college.

5. This Court is in agreement with the submission advanced by learned counsel for respondent no.2-MCI that the present writ petition is premature as the respondent no.1-Union of India is yet to take a final decision on the recommendation made by the MCI.

6. It is clarified that it is open to the Union of India to apply its mind independently and take a final decision after taking into account the input/recommendation provided by MCI.

7. Since learned counsel for the petitioner wishes to place on record additional documents before the Union of India, she is permitted to do so within a period of one week.

8. In the event the petitioner is aggrieved by the decision of Union of India, it shall be open to the petitioner to file an appropriate proceeding in accordance with the law.

9. With the aforesaid directions, the present writ petition and the application are disposed of.

Order *dasti*.

MANMOHAN, J

MAY 23, 2016

KA

