

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1156 of 2017**

1. Dr. Reeta Suresh Banjare W/o Shri Suresh Banjare, aged about 32 years, R/o Geeta Hospital, Ward No. 4, Civil Lines, Bemetara, Police Station and District- Bemetara (C.G.)
2. Suresh Banjare S/o Shri Sarjudas Banjare, aged about 36 years, R/o Geeta Hospital, Ward No. 4, Civil Lines, Bemetara, Police Station and District- Bemetara (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through: Secretary, Health and Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, Civil and Revenue District- Raipur (C.G.)
2. Collector, Bemetara, Police Station and District- Bemetara (C.G.)
3. Chief Medical and Health Officer, Municipal Council, Bemetara, Police Station and District- Bemetara (C.G.)

---- Respondents

For Petitioners	:	Shri Vaibhav Goverdhan, Advocate
For Respondents/State	:	Shri J.K. Gilda, Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Order on Board**Per, Thottathil B. Radhakrishnan, Chief Justice****16/05/2017**

1. On a mention being made by the learned counsel for the Petitioner, this matter is taken up today for hearing.
2. We have heard the learned counsel for the Petitioners and the learned

Advocate General.

3. The first Petitioner claims that she is a qualified Doctor holding B.A.M.S. degree and has been awarded the said degree by a University. Her clinic is stated to be closed down by the official respondents.
4. All that is necessary at this point of time is that the said closure should be treated as notice. Since closure has been done without a pre-decisional notice, let reply of the Petitioner be looked into and a decision taken by the competent authority namely the second Respondent-Collector. We also would clarify that the proceedings in this Court as WP(PIL) No. 19 of 2017 is aimed at ensuring that all unauthorised and illegal establishments are closed down. That is also, in a way, to ensure that only the duly authorised institutions continue to exist. If the Petitioner's clinic is one which is duly authorised in terms law, including as to the qualification of the first Petitioner, let the Collector take a decision thereon and the Petitioners will be entitled to act in accordance with the decision that the Collector may render. Let the decision of the Collector be rendered within a period of three weeks from the date of receipt of this judgment with a new representation even if a representation has already been made.
5. The writ petition ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge