

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1181 of 2017**

Khan Clinic Prop. of Dr. Rasikhunnisha, Aged – 48 years, W/o Shabbir Mohammed, R/o Chandipara, Pamgarh, Tehsil and P.S. - Pamgarh, District – Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of Public Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur
2. The Director, Health Services, Indrawati Bhawan, Naya Raipur
3. The Director, Ayush, Chhattisgarh, Indrawati Bhawan, Naya Raipur
4. The Chhattisgarh Ayurvedic Tatha Unani Chikitsa Paddhati Avam Prakritik Chikitsa Board, Raipur Through – its Registrar, Govt. Ayurvedic College Hospital Building, Raipur (C.G.)
5. The Collector, District – Janjgir-Champa (C.G.)
6. The Chief Medical & Health Officer, Janjgir, District Janjgir-Champa (C.G.)
7. The Sub Divisional Officer (Revenue), Sub Division, Pamgarh, District- Janjgir-Champa (C.G.)
8. The Block Medical Officer, Block – Pamgarh, District – Janjgir-Champa (C.G.)
9. The Incharge Police Officer, Police Station- Pamgarh, District- Janjgir-Champa (C.G.)

---- Respondents

For Petitioner	:	Shri R.K. Kesharwani, Advocate
For State	:	Shri Yashwant Singh Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order on Board****Per, Thottathil B. Radhakrishnan, Chief Justice****30/06/2017**

1. The Petitioner seeks relief against the closure of a premises where she is running a clinic.

2. We have heard the learned counsel for the Petitioner and the learned Additional Advocate General.
3. Going by Annexure-P/2, the Petitioner has a Degree of Ayurvedacharya (Bachelor of Ayurvedic Medicine & Surgery) issued by Nagpur University. Annexure-P/3 shows that she is duly registered under the Maharashtra Medical Practitioner's Act. Annexure-P/4 is a certification by Respondent No.4 to the effect that the Petitioner is an Ayurvedic Physician.
4. Annexure-P/1 is drawn up by the Block Medical Officer. It recites that the facts stated therein are noticed on inspection on the premises of the Petitioner. The inspection resulted in finding that X-ray Machine, allopathic medicine and other matters unconnected with the permitted practice of Ayurvedic Physician were found in the premises. We are not inclined to accept the plea of the Petitioner that she was entitled to a pre-inspection notice. In such situation, only surprise inspection can bring out results unearthing the unlawful and unethical practices by persons who hold themselves out as those practicing in the field of medicine.
5. In the aforesaid circumstances, the learned Additional Advocate General is justified in opposing this application for opening of the premises and handing it over to the Petitioner. In this context, we may record the submission of the learned counsel for the Petitioner that the X-ray Machine and other objects are in a different room and were not actually in the possession of the Petitioner. These are issues for consideration of the competent authority which had issued Annexure-P/1.
6. For the aforesaid reasons, this writ petition is ordered directing that the Petitioner shall be given an opportunity within a period of two weeks of the date of receipt of a copy of this order to remove all goods which are not

permissible to be placed and used in the premises of an Ayurvedic Physician and if the official respondents are satisfied through the Block Medical Officer that such clearance has been effected, the Petitioner will be permitted to utilise the premises in accordance with law and to the extent that she would be authorised as per the provisions which governed her practice as an Ayurvedic Physician. The Block Medical Officer and other official respondents herein will ensure that there is no opportunity being utilised by the Petitioner for any clandestine operation or passing off from the premises, any activity other than those permissible to an Ayurvedic Physician.

7. The writ petition is ordered, accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge