

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP 8661 of 2017

Date of decision: 27.4.2017

Astha Hospital and another

Petitioners

vs.

State of Haryana and others

Respondent

Present: Mr. SS Narula, Advocate.

M.M.S.BEDI,J.

The petitioners have challenged show cause notices Annexure P-2 (colly) dated 3.11.2016, 23.12.2016, 27.1.2017 and 12.4.2017 issued by respondent No.4, District Appropriate Authority through respondent No.5 inter alia on the ground that respondent No.3 has already formed an opinion vide Annexure P-1 dated 8.8.2016 that the raid conducted on 26.4.2016 by the joint team was apparently illegal and vitiated and that there was no occasion for issuing show cause notice u/s 10 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short 'the Act').

I have heard counsel for the petitioners at length and considered his contention, alleging that the above said raid conducted was vitiated; show cause notices have been issued with pre-determined decision having already taken and that the action of the respondents was biased and mala fide on account of personal vindictiveness and illegal.

After hearing counsel for the petitioners, I am of the considered opinion that the pleas raised before this Court in the writ petition can be mentioned in the reply to the show cause notices. Besides

this, a perusal of the relevant provisions of the Act and the Rules framed there under, indicates that the appeals are maintainable before the various appropriate authorities under Rules 19(1), 19(2) and 19(3) of the Rules, framed under the Act. .

Counsel for the petitioners, at this stage, seeks permission to withdraw the petition with liberty to avail the alternative remedy by approaching State Appropriate Authority under Rule 19 (2) of the 1996 Rules. It will be open to the petitioners to seek any interim relief also, in accordance with law.

With the above observations, the writ petition is disposed of as withdrawn.

Nothing said in the order will be considered an expression of opinion on merits of the case.

April 27 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No