

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13169 of 2017

=====

Asha Pandey, Wife of Sri Surendra Pandey, resident of Village- Khaira Khurd,
P.O. & P.S.- Majorganj, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Director-in-Chief, Health Department, Old Secretariat, Government of Bihar, Patna.
3. Civil Surgeon, District- Sitamarhi, (Bihar).
4. District Magistrate, Sitamarhi.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ajay Kr Singh No.1, Advocate

For the Respondents : Mr. Mujtabul Haque-GP12

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

*“(I) For issuance of an appropriate writ/writs,
direction/directions, order/orders directing the
respondents to allow to open the medical shop for the
purpose of sale and purchase of medicine which is run
by the petitioner in the name and style as “Sanjeevani
Medical Hall” as such the petitioner has obtained valid
licence for the same. The said shop is situated at
Khairwa Khurd, P.O. + P.S. Majorganj, District
Sitamarhi.*

(II) For issuance of any other appropriate writ/writs,



direction/directions, order/orders as this Hon'ble Court may think fit and proper."

3. Learned counsel for the petitioner submits that the action of the respondents in sealing the petitioner's medical shop is wholly arbitrary and illegal which appears to have been done merely because the shop was located in the premises of "Sanjeevani Health Care Hospital" in which some irregularities were found by the Inspecting Team. It is submitted that the petitioner has valid licence under which she has been running the medical shop and no irregularity whatsoever has been found with reference to the medical shop.

4. Learned counsel for the respondents, on the other hand, points out that the petitioner has approached this Court almost one year after inspection and sealing of her shop, without ever approaching the respondents for appropriate relief.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to enter into the merits of the matter, particularly in view of the delay of almost one year in approaching this Court on the part of the petitioner. This Court is of the view that the ends of justice will be met if the petitioner is granted liberty to file a representation before the District Magistrate, Sitamarhi (respondent no. 4) for redressal of her grievances. If such a representation is filed within



two weeks from today, the same shall be considered and disposed of on its own merits and in accordance with law within a further period of three weeks thereafter and after grant of opportunity of hearing to the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.03.2018
Transmission Date	N.A.

