

rrpillai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1782 OF 2018
ALONGWITH
CHAMBER SUMMONS NO. 130 OF 2018
IN
WRIT PETITION (L) NO. 1188 OF 2018

Tanuja Jayantilal Bhagar ... Petitioner

vs.

Medical Officer of Health ... Respondent

South Ward Office and Anr.

Mr. Ashok Pande for the Petitioner.

Mr. B. M. Chatterji, Senior Advocate a/w. Ms. Pooja Yadav for the Respondent.

Mr. Prashant Darandale for the Applicant in CHSW/130/2018.

CORAM : A.K. MENON, J.

DATE : 14th AUGUST, 2018

P. C.

1. The order impugned in this Writ Petition dated 13th March, 2018 refused permission for issuing a licence to the petitioner on the ground that the Corporation had issued notice under section 351 and the petitioner had filed suit which was pending in court. Today it is pointed out that the suit has been disposed and there is no reason to refuse a licence on that ground.

2. In my view since the reasons for refusing the license are no longer valid, the

corporation should now consider the application afresh. It will be open for the petitioner to approach the Corporation for considering the petitioner's case. The counsel for the Corporation states that if the petitioner makes a representation to the concerned department, the corporation will decide the application in accordance with law.

3. Accordingly, I pass the following order :

- (I) The impugned order dated 13th March 2018 is hereby set aside.
- (ii) The petitioners are at liberty to make a fresh application for issuance of a license(es). The contents of the petition shall be considered part of the application that the petitioner proposes to make. If the petitioner is desirous of furnishing any additional document(s), he will be at liberty to file within a period of two weeks from today.
- (iii) The Competent authority in the Corporation shall hear the petitioner within a period of four weeks of such application and documents being filed.
- (ii) The Competent Authority will pass an order on the petitioner's application in accordance with law within a period of four weeks from the date on which the petitioner is heard, uninfluenced by any observation in this order.
- (iii) Writ Petition is disposed in the above terms.
- (iv) No costs.

(A.K. MENON, J.)