

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.38030 OF 2018

ORDER:

Challenging the proceedings/show cause notice of the fourth respondent in Rc.No.578-2/TSAPMC/WGLU/2018, dated 13.10.2018, the present writ petition is filed.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Medical and Health.

3. Petitioner is a Multi Specialty Hospital having both inpatient and outpatient cases relating to general medicine, emergency medicine, Anesthesiology, General Surgery, Obstetrics and Gynecology, Cardiology, Radiology, Pulmonology, ENT, Urology, Orthopedics, Plastic Surgery, Neurosurgery, Pediatrics and Nephrology etc. While so, the fourth respondent inspected the hospital, pointed out the irregularities and issued impugned show cause notice. Challenging the show cause notice, the petitioner filed an appeal and it is pending. The grievance of the petitioner is that the fourth respondent issued the show cause notice without making a proper inspection.

4. Ms.T.Kanya Kumari, learned Assistant Government Pleader, vehemently argued that the impugned notice is a show cause notice and that normally, this Court should not restrain the statutory authorities from proceeding further after issuance of show cause notice, and writ petitions challenging show cause notices, should not be entertained as a matter of routine and the

petitioner should rather be directed to respond to the notice and sought to dismiss the writ petition.

5. A perusal of the impugned notice, it is clear that it is a show cause notice directing the petitioner to attend before the fourth respondent along with necessary evidence in support of its defense. However, keeping in mind the concern of the patients who are already in the hospital undergoing treatment and the patients who will be visiting the hospital, this Court is inclined to dispose of the writ petition with a direction to the petitioner to rectify and comply with the lacunas pointed out by the fourth respondent in the impugned notice immediately and submit a report to the fourth respondent. On such report, the fourth respondent shall inspect the hospital within 48 working hours and pass appropriate orders without any further delay by not referring to the show cause notice dated 13.10.2018. By virtue of this order, the effect of show cause notice, and the appeal pending against it, would be closed.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T. AMARNATH GOUD, J

Date:19.10.2018

Note:- Furnish C.C. today
(B/o)
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