

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Writ Petition No.39224 of 2017

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Medical and Health for the respondents and perused the prayer in the writ petition with the supporting affidavit and the material on record.

2. The prayer in the Writ Petition reads as follows:

“to issue any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the impugned order dated 19.08.2017 of the 3rd respondent in seizing the petitioner Hospital on the ground of that the petitioner Hospital do not possess the license to conduct MTPS basing on the FIR No.318 of 2017 of SHO Jangaon Police Station Jangaon District (Warangal District) as illegal, arbitrary, violation of Articles, 19(1)(g) of the Constitution of India and consequently set aside the same by opening the petitioner Hospital and allow the petitioner to run the Hospital as usual and to pass such other order or orders.”

3. It is the supporting affidavit averment that the 3rd respondent-District Medical Health Officer (for short, ‘DMHO’) on 19.08.2017 seized the hospital premises on the ground of one Bala Srilakshmi found undergoing abortion to get rid of female foetus in the hospital premises of the writ petitioner situate at SKM Road, Jangaon from which the R.3 lodged report to the police and the SHO, Janagaon in turn registered crime in this regard. It is further averred that in the course of investigation, it is revealed that the staff of the petitioner in the hospital committed said acts and thereby deleted the name of the petitioner from the FIR No.318 of 2017, however the hospital premises are seized by issuing orders dated 19.08.2017 for closing the hospital on the ground of the writ petitioner did not possess licence for conducting medical termination of pregnancy though the petitioner is not undertaking any such treatment much less for termination of pregnancy and the petitioner has no other alternative, approached the Court seeking release of the seizure order and to return the properties seized, so to run the hospital.

4. The counter affidavit mainly so far as the seizure of the hospital premises concerned in para-12 page 8 last lines clearly speak when they were preparing to take up the matter in District Advisory Committee Meeting, he approached the Court, thereby they could not further pursue the matter.

5. Having regard to the above, leave about other contentions of the petitioner is not entitled to the return of the medicines but for any machinery and for any grant of licence to run the hospital that to be considered by the District Advisory Committee, the respondents are directed to constitute such a District Advisory committee if not in existence and refer the matter of the petitioner to the said Committee to take a decision therein within two months from the date of receipt of the order in the writ petition and any further grievance is left open to vindicate and in the meantime the respondents shall permit the release of the premises of the petitioner if at all to run the hospital provided he got licence otherwise not to run the hospital but not to keep in lock.

6. Accordingly and in the result, the Writ Petition is disposed. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date:02.05.2018
vvr

Dr. B.SIVA SANKARA RAO J,