

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**COCP No.903 of 2018 (O&M)
Date of Decision: 17.07.2018**

**HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH,
THROUGH ITS REGISTRAR GENERAL**

..... Petitioner

Versus

**DR. PRADEEP MAHENDRU, PROPRIETOR – M/S ANAND
MEDISCAN & RESEARCH CENTRE, OPP. LALDWARA,
JAGADHRI ROAD, YAMUNA NAGAR**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajeev Kawatra, Advocate
for the petitioner.

Mr.Sahil Khunger, Advocate
for the respondent.

JASWANT SINGH, J. (ORAL)

The respondent/proprietor of M/s Anand Mediscan and Research Centre at Yamuna Nagar, who is BAMS, had filed a *CWP No.6139 of 2011* to challenge the decision of the State of Haryana dated 27.09.2010, by which his claim to use Ultrasound Machine was turned down, by observing that the use of Ultra-sound Machine or Sonography by a BAMS (Ayurvedic) Degree holder is banned by the State Government. The said writ petition was *dismissed* by a Division Bench of this Court alongwith three other petitions.

Thereafter, the respondent, by serving a legal notice to the State of Haryana, requested that the degree of BAMS be also included in the definition of *Section 2(m)* of the *Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994* (for short '*the Act*') and since the said legal notice was not decided, hence the respondent filed a writ petition bearing *CWP No.20974 of 2013*, which was *disposed of* by this Court vide order dated 20.09.2013, with a direction to the authority concerned to look into the legal notice and decide the same as early as possible preferably within a period of three months.

Consequently, the Government of India, Ministry of Health and Family Welfare passed the order on 27.12.2013, declining the prayer of the respondent.

Then, the respondent had challenged the said order dated 27.12.2013 by way of filing writ petition bearing *CWP No.12887 of 2014* and raised the plea that the BAMS Doctors be also included in the definition of *Section 2(m)* of the Act. The said writ petition bearing CWP No.12887 of 2014 was dismissed by this Court vide order dated 08.09.2017 (**Annexure P-1**) and for misusing the process of law, costs of Rs.2 lacs was imposed upon the respondent and was directed to deposit the said costs in the Registry of this Court within a period of one month and in case, the costs is not paid, the High Court shall take appropriate action against the petitioner by moving an application for contempt.

The abovesaid order dated 08.09.2017 (**P-1**) was challenged by the respondent by filing an LPA No.2181 of 2017 and the same was preferred to withdraw by the respondent except to waive of the costs

imposed by the learned Single Judge vide order dated 08.09.2017 **(P-1)**
Accordingly, the respondent was permitted to withdraw the said LPA by this
Court vide order dated 22.01.2018 **(Annexure P-2)** with the modification
that imposing costs of Rs.2 lacs be reduced to Rs.50,000/-.

Since the costs of Rs.50,000/- was not deposited by the
respondent, hence the present contempt petition.

At the time of hearing today, learned counsel for the respondent
states that in compliance of the order dated 22.01.2018 **(P-2)**, the costs of
Rs.50,000/- stands paid, therefore, no further action is warranted in the
present contempt petition as the same has become infructuous.

Disposed of.

Rule is discharged.

July 17, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No