

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
21 WRIT PETITION NO.2461 OF 2018**

PREETI SANDEEP SURYAWANSHI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ranjendra S. Deshmukh, Advocate for the
Petitioner.

Mr. A. B. Chate, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 25th MARCH, 2019.

PER COURT:-

1. The petitioner assails the order dated 17.01.2018 cancelling the registration of the petitioner's Sonography Centre.

2. This Court under order dated 06.03.2018 has stayed the impugned order.

3. Mr. Deshmukh, learned counsel for the petitioner submits that the order does not give any reasons nor it specifies as to why the explanation offered by the petitioner is not accepted. The learned counsel submits that the show cause notice also did not specify the reasons by which the competent authority felt necessary to cancel the registration of the petitioner's Sonography Centre. The learned counsel submits that the petitioner had also filed a reply. The reply is not considered and the impugned order is passed. After this Court had stayed the impugned order, the respondent again

proceeded further to pass a second order on or about 24.10.2018. This Court had called for the explanation from the respondent for passing the said order in spite of the stay granted by this Court to the order impugned in the present writ petition. In the affidavit filed by the respondent it is stated that the order dated 24.10.2018 stands withdrawn.

4. The learned A.G.P. submits that the reason for initiating the proceedings against the petitioner for cancellation of the Sonography Centre are in the show cause notice dated 24.11.2014. The order passed pursuant to the said show cause notice was set aside only on the ground that show cause notice was for suspension of the Sonography Centre, but the authority has cancelled the registration. Based on the same show cause notice dated 24.11.2014, a fresh notice was issued seeking cancellation of the registration of the petitioner's Sonography Centre. The petitioner was aware of the grounds on which the action is sought to be taken by the respondents. The petitioner cannot plead ignorance. The learned counsel submits that the competent authority after considering the explanation offered by the petitioner has rightly passed the impugned order.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. The genesis of the impugned order appears to be the show cause notice dated 25.11.2014. The contents of the notice, exhibit, the grounds on which the action is sought to be taken against the petitioners Sonography Centre. The respondents had taken action of cancelling the registration of the petitioner's Sonography Centre pursuant to the show cause notice dated 25.11.2014. The same was set aside by this Court under order dated 10.10.2017 in Writ Petition No.10015/2016 on the ground that the show cause notice was issued with an intention to suspend the registration, however, the order traveled beyond the show cause notice and eventually registration was cancelled. On that count the same was set aside. In the said order liberty was given to the respondents to take action in accordance with law. It appears that subsequently on 03.01.2018, show cause notice was issued giving reference to the show cause notice dated 25.11.2014. Except giving reference, no further over tact pursuant to which action sought to be taken was referred to. We have to presume that the contraventions as stipulated in the show cause notice dated 25.11.2014 were the basis for the further action. Be that as it may, the petitioner had replied the notice and the instant order is passed.

7. The order impugned is bereft of any reasons. Reasons depict the application of the

mind of the authority passing the order. Reasons are now considered to be the third pillar of principles of natural justice and order bereft of reasons cannot be sustained.

8. The impugned order leads us nowhere. It nowhere suggest that explanation offered by the petitioner has been considered and upon application of a conscious mind the explanation has been negatived. Such an order cannot be countenance under any provisions of the Act.

9. In light of the above, the impugned action is quashed and set aside.

10. We make it clear that if in case, the respondents find the petitioner not adhering to the provisions of the P.C. and P.N.D.T. Act, 1994, the respondents are empowered and entitled to take action in accordance with the provisions of law.

11. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE