

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

**102 (PROCEEDINGS THROUGH V.C.)**

**CIVIL WRIT PETITION NO.9312 OF 2020**

**DATE OF DECISION: JULY 07, 2020**

Dr. Sanjiv Kaushal

.....Petitioner

**VERSUS**

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. H. S. Dhindsa, Advocate,  
for the petitioner.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court, praying for issuance of a writ in the nature of certiorari for quashing order dated 13.10.2016 (Annexure P-5) passed by the District Appropriate Authority, Sirsa, Haryana-respondent No.2; order dated 23.04.2018 (Annexure P-11) passed by the State Appropriate Authority, PNDDT, Panchkula-respondent No.4 and order dated 11/14.01.2019 (Annexure P-13) passed by the Additional Chief Secretary to Government of Haryana-cum-State Appellate Authority, Health Department, on the ground that the request of the petitioner for renewal of registration under the PC & PNDDT Rules, 1996 has been declined merely because of the pendency of a criminal case against him under the PC & PNDDT Act, 1994 (for short, "the 1994 Act"). This, counsel for the petitioner contends, is against the judgments passed by various Courts, including

Division Bench judgment of this Court in Civil Writ Petition No.2400 of

2017 (Dr.Kanwal Raj Vs. Union of India and others) decided on 27.02.2017 (Annexure P-8). He contends that the Division Bench of this Court has relied upon the judgment of Bombay High Court in Writ Petition No.4478 of 2015 (Maharashtra State Branch of Iria Msbiria, Mumbai Vs. Union of India and others), decided on 05.05.2015 and in a subsequent writ petition i.e. Writ Petition No.6979 of 2015 (Dr.Sudhir Vs. The State of Maharashtra and another) decided on 13.08.2015, to conclude that the competent authority cannot reject an application submitted for renewal of registration under the 1994 Act merely on the ground of pendency of a case under the said Act. He, thus, contends that the writ petition deserves to be allowed by setting-aside the impugned orders.

Notice of motion.

On the asking of the Court, Mr.Sanjay Mittal, Additional Advocate General, Haryana, accepts notice and states that the petitioner has an alternative remedy against the impugned orders. He, however, was unable to distinguish the ratio of law laid down by the Division Bench of this Court in Dr.Kanwal Raj's case (Supra).

Having considered the submissions made by counsel for the parties and keeping in view the law as has been settled by the Division Bench of this Court in Dr.Kanwal Raj's case (Supra), the impugned orders, which have been passed by respondents Nos.1, 2 and 4 respectively, are not in accordance with law and, thus, cannot sustain and are accordingly set-aside by allowing the writ petition. Direction is issued to the District Appropriate Authority, Sirsa-respondent No.2 to consider the application, which has been submitted by the petitioner for renewal of the licence under the 1994 Act and take a decision thereon within a period of one month from

today by giving hearing to the petitioner and passing a speaking order. The personal hearing be granted to the petitioner, who shall appear before respondent No.2 on 15.07.2020.

**July 07, 2020  
khurmi**

**( AUGUSTINE GEORGE MASIH )  
JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |