

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 45 of 2021**

Saurabh Singh S/o Late Shri Dharendra Kumar Singh, Aged About 44 Years R/o In Front Of Mama Bhacha Talab, Shiv Talkies Square, Bilaspur Presently Residing At Akaltara, Purani Basti, Near Bharat Peepal, Akaltara, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh Through Its Principal Secretary, Department of Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Narag Naya Raipur, District Raipur Chhattisgarh
2. Collector Korba, District Korba Chhattisgarh
3. Chief Medical Officer, Korba District Korba Chhattisgarh
4. New Korba Hospital, Through Director, Mangalam Vihar Kosabadi, Korba, District Korba Chhattisgarh
5. Shristi Hospital Rishdi Through Director, District Korba
6. Jivan Asha Hospital, Through Director Jamnipali District Korba
7. Vinayak Hospital Pali, Through Director, District Korba

---- Respondents

For Petitioner : Shri Sumit Singh, Advocate.

For State : Shri Satish Chandra Verma, Advocate General with Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****04.05.2021**

1. The Petitioner has moved this Court with the following prayers :

“10.1 That this Hon'ble Court may kindly be pleased to issue a writ in the nature certiorari to quash the impugned order dated 23.04.2021.

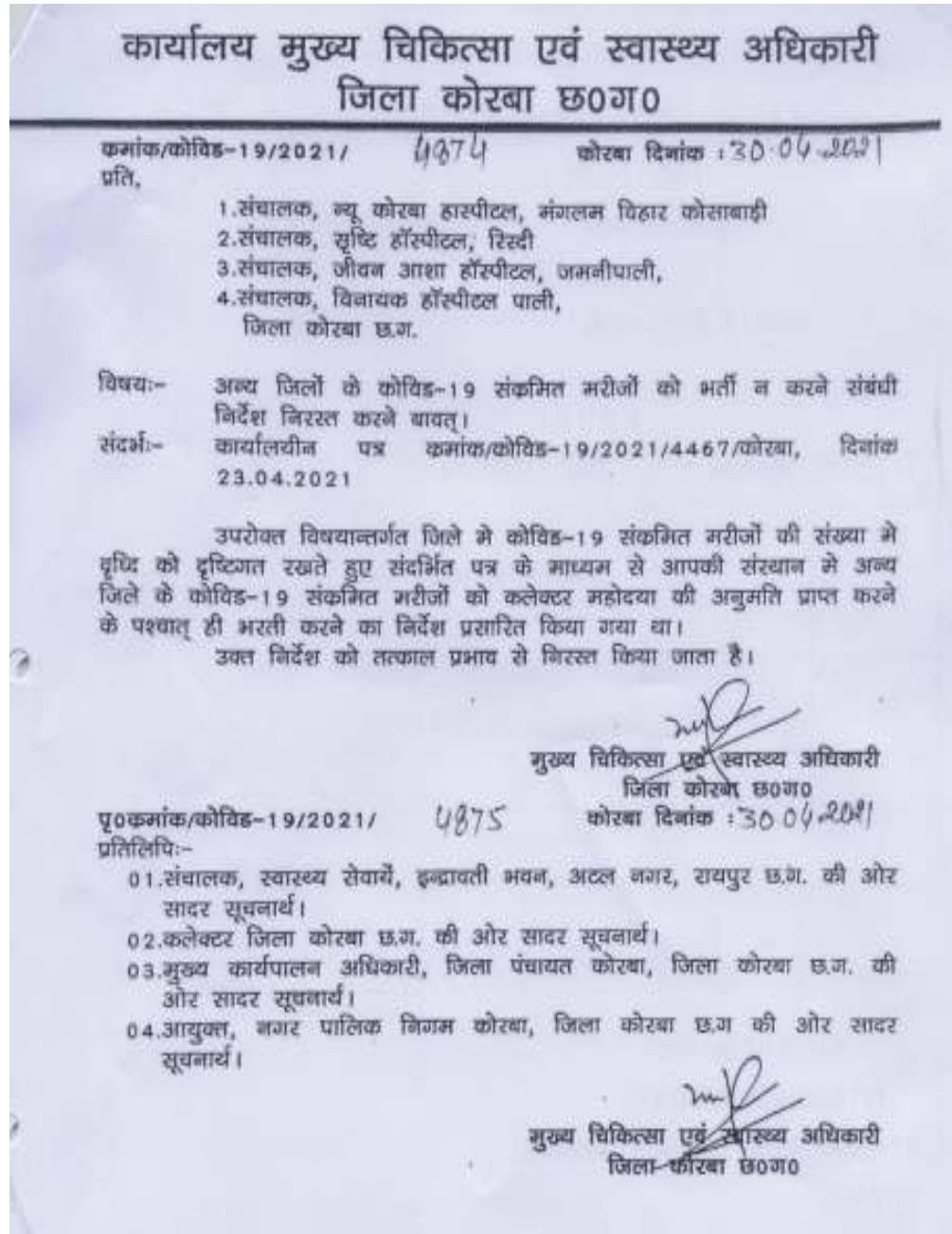
10.2 Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case, may also be allowed.”

2. The case as put-forth by the learned counsel for the Petitioner is that as per the impugned order, the 3rd Respondent has restrained the Respondents No.4 to 7 Private Hospitals in the District Korba from

admitting any patient who belongs to 'other districts' in the above Hospitals without the permission of the District Collector / 2nd Respondent and further that, if any patient is admitted without permission of the District Collector, the sanction given to the Hospitals for treatment of COVID-19 patients shall stand cancelled.

3. The learned counsel for the Petitioner points out that there is no power or authority with the CMHO to have issued Annexure P/2 order defeating the right of patients of the neighbouring States or such other districts to get proper treatment. It is also pointed out that the Apex Court has passed an order on 30.04.2021 in *Suo Motu Writ Petition (C) No.3 of 2021* whereby it has been specifically made clear that no patient shall be denied treatment in any State with reference to the place of residence or insisting the proof of residence within the State. It is further stated that the necessity to admit the patients depends upon the condition of the patient and this is to be decided by the Doctor and not by anybody else. Any failure in giving proper and timely treatment to the patients may be fatal and as such, the necessity to obtain permission of the District Collector who is having no expertise in treatment of patients is totally arbitrary and hence, requires interference.
4. The learned Advocate General submits that issuance of Annexure P/2 order was necessitated because of some particular facts and circumstances prevailing in the area and the practice being followed by the Respondent-Hospitals, which virtually resulted in denying proper treatment to genuine patients. It is however brought to the notice of this Court that the said order was subsequently withdrawn by the 3rd Respondent as per order dated 30.04.2021, a copy of which has been produced as Annexure D/1 along with covering memo dated 04.05.2021.

We find it appropriate to have the above order reproduced below for easy reference :



5. In view of the above turn of events, we find that no further order is called for as the impugned order has already been withdrawn. The factual position as above is recorded and the writ petition stands disposed of.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge