

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 5126 OF 2021**

- A Group of Balaji Diagnostic Centre Gadai, Vikas Khand Chuikhadan, District Rajnandgaon, through its Director, Shri Dushyant Agrawal, aged about 48 years, S/o Pannalal Agrawal, R/o in front of Shas Press, Chikhli, Ward No.3, Rajnandgaon (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Health and Welfare Department, Atal Nagar, Naya Raipur, District Raipur (C.G.)
2. The Collector, Rajnandgaon (C.G.)
3. Chief Medical and Health Officer, Rajnandgaon, District Rajnandgaon.
4. Joint Director, (P.C.P.N.D.T.), Directorate, Health Service, Indravati Bhawan, 3rd Floor, Atal Nagar, Naya Raipur, District Raipur (C.G.)
5. Block Medical Officer, Community Health Center, Chuikhadan, District Rajnandgaon (C.G.)

... Respondents

For Petitioner	: Mr. Parag Kotecha, Advocate.
For Respondents	: Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[14/12/2021]**

1. Learned Counsel for Petitioner at the outset submits that he confines his prayer to Relief No.10.4 of the Relief Clause wherein the relief sought for is for an appropriate direction to the Respondents to consider the application submitted by the Petitioner for registration of an Ultrasound Clinic.
2. Learned Counsel for Petitioner submits that the said application has been made by the Petitioner on 9.7.2021 as per the requirements of the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 and though more than five months have passed, the application is still not decided and thus prayed for appropriate relief in this regard.

3. Learned Deputy Advocate General on the other hand submitted that in the process of the said application being considered, the Petitioner had illegally started operations at the Diagnostic Centre and the Authorities had thereafter initiated steps against the Petitioner and have ordered to close the clinic as also have sealed the said clinic and therefore now the application of the Petitioner has to be considered on its own merits in the given factual backdrop.

4. It was also pointed out that on the earlier occasion when the application of the Petitioner for registration was considered, there were large number of deficiencies which were detected and brought to the notice of the Petitioner which needed to be rectified and which, according to the Petitioner, have since been rectified.

5. Given the factual matrix as it stands today, without expressing any opinion as regards the order of closure and the sealing of the clinic and the subsequent proceeding, if any, under the said Law, the present Writ Petition, considering the limited relief that the Petitioner prays for so far as the registration is concerned, is disposed of directing the Respondents to take appropriate decision on the application for registration, strictly in accordance with the rules, regulations and guidelines governing the field.

6. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge