

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5059 of 2021**

1. Omkar Shobha Hospital Through Its Director Sushobhita Tiwari, Village Semra, Collectorate Road Semra, District Gourela- Pendra- Marwahi Chhattisgarh
2. Sushobhita Tiwari W/o Akhilesh Tiwari Aged About 34 Years R/o Omkar Shobha Hospital Campus, Village Semra, Block And Tehsil Gaurela, Collectorate Road Semra, District Gourela- Pendra- Marwahi Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Capital Comple, Mahanadi Bhawan, Atal Nagar, Nava Raipur District Raipur Chhattisgarh
2. Director Medical And Health Services, Atal Nagar, Nava Raipur District Raipur Chhattisgarh
3. Collector Cum Supervisory Authority District Gourela- Pendra- Marwahi Chhattisgarh
4. Chief Medical And Health Officer, Gaurela District Gourela- Pendra- Marwahi Chhattisgarh
5. Namrata Gandhi Aged About 33 Years Posted As Collector, District Gourela- Pendra- Marwahi Chhattisgarh

----Respondents

For Petitioners	:	Mr. Bhaskar Payashi, Advocate.
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

1. The grievance of the petitioners in the present writ petition seems to be the alleged inaction on the part of the respondent No. 3 in not taking a decision on the request/application of the petitioners for

grant of license to run a Hospital in the name of Omkar Shobha Hospital.

2. The fact which led to the filing of the present writ petition is that on an earlier occasion, the respondents/State had ordered for closing of the hospital on account of the petitioners not having a valid license to operate the same. The petitioners had approached the High Court in this regard vide WP(C) No. 4594 of 2021 and simultaneously had also approached the Appellate Authority under Chhattisgarh State Upcharyagriha Tatha Rogopchar Sambandhi Sthapanaye Anugyapan Adiniyam, 2010 (in short 'the Act 2010'). Considering the fact that the appeal was already pending before the Appellate Authority, the writ petition was therefore disposed of on 16.11.2021 directing the respondents to take an appropriate decision on the appeal as expeditiously as possible at the earliest preferably within a period of 45 days.
3. Pursuant to the order passed by this Court on 16.11.2021, the Appellate Authority i.e. the Director Health Services vide order dated 27.11.2021 (Annexure P/16) has disposed of the appeal directing the District Collector to consider for grant of fresh license to the petitioners in accordance with the aforementioned Act of 2010 and Rules of 2013 framed thereunder. The order of the Appellate Authority is dated 27.11.2021 and the present writ petition has been filed on 04.12.2021 i.e. in less than a week's time after the appeal was disposed of, the petitioners through the present writ petition have prayed for an appropriate direction to the respondents to take

an appropriate decision on the application pending consideration before the respondent No. 3 for grant of license to run the hospital.

4. This Court at the outset is of the view that the petitioners have rushed to the Court too early a stage for the reason that the appeal admittedly in-terms of the earlier order of this Court dated 16.11.2021 in WP(C) No. 4594 of 2021 was decided only on 26.11.2021. It is only after the appeal stands decided that the respondent No. 3 should have further proceeded on the application for grant of license and not before that. The authorities are always expected to take a reasonable time to take an appropriate decision on the same, it cannot be expected by the authorities to take a decision in favour of the petitioners or against them overnight.
5. The appeal having been decided on 27.11.2021, this Court is of the opinion that as of now ends of justice would meet, if the writ petition is disposed of directing the respondent No. 3 to take an appropriate decision on the application of the petitioners for grant of license to run the hospital at the earliest after due verification and enquiry as is required under the Act.
6. The present writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**