

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12283 OF 2021

Mayuri Subhash Dhokane-Kutwal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. R. Deshpande, Advocate h/f Ms. Priyanka R. Deshpande,
Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 13TH DECEMBER, 2021.

FINAL ORDER :

. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondents.

2. The petitioner assails the order canceling registration of nursing home of the petitioner issued in favour of the petitioner U/Sec. 05 of the Bombay Nursing Home Registration Act (for short 'Said Act').

3. The learned counsel for the petitioner basically assails the said order on the ground that show cause notice as required U/Sec. 8 of the said Act is not issued prior to passing the order of canceling registration.

4. Mr. Karlekar, the learned A. G. P. submits that, enquiry was conducted. Irregularities were existing for more than two years and thereafter action has been taken.

5. The impugned order nowhere suggests that notice was given to the petitioner before cancellation of the registration as required U/Sec. 8(1) of the said Act. When the law requires a particular thing to be done in particular manner, same has to be done in the same manner only. In absence of any notice being given to the petitioner before passing the impugned order, the same would not be sustainable and is set aside. The impugned order shall be treated as show cause notice to the petitioner. The petitioner shall file reply to the same within a period of fifteen days from today. Upon receipt of reply, the authority shall take decision upon the registration certificate of the petitioner after giving opportunity of hearing to the petitioner within a period of one month from the date of receipt of reply. In view of present order, the appeal filed by the petitioner U/Sec. 8(4) of the said Act shall stand disposed of.

6. In view of the above, the writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]