

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7800 OF 2021

Prakash Shikshan Mandal, Urun-Islampur
& Anr.

...Petitioners

Vs.

State of Maharashtra, Through its Department
of Public Health & Ors.

... Respondents

Mr.V.M. Thorat alongwith Mr.M.V. Thorat for the Petitioners.
Mr.V.A. Thorat, Sr. Advocate alongwith Mr.P.P. Kakade, PP
alongwith Mr. Vaibhav Sugdare-'A' Panel Counsel with Ms. Sushma
S. Bhende, AGP for Respondents No.1 to 3-State.
Mr. Ashutosh M. Kulkarni for Respondent No.4.

**CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.**

DATE : 23RD NOVEMBER, 2021

P.C. :

1. Rule. Rule made returnable forthwith. Mr.V.A. Thoart,
learned senior counsel for Respondents No. 1 to 3 waives service.
Mr. Kulkarni, learned counsel for Respondent No.4 also waives
service.

2. By consent of both the parties, Petition is heard finally.

3. By this Petition, filed under Article 226 of the
Constitution of India, the Petitioner has impugned the show cause

notice dated 29th October, 2021 issued by the Civil Surgeon, Sangli on the ground that the time prescribed in the show cause notice to the Petitioner to reply to the said show cause notice is not in accordance with the time prescribed under Section 8 of the Maharashtra Nursing Homes Registration Act, 1949 ('the said Act').

4. Mr.V.A. Thorat, learned senior counsel for Respondents No. 1 to 3 on instructions states that his clients have no objection if the Petitioners are granted 30 days time in conformity with the time prescribed under Section 8 of the said Act to respond to the said show cause notice. The statement is accepted.

5. In view of the statement made by the learned senior counsel for Respondents No.1 to 3, Mr.V.M. Thorat, learned counsel for the Petitioners agrees to respond to the said show cause notice within 30 days from today. The said statement is accepted.

6. In view of the statements made by both the parties, nothing survives in this Writ Petition.

7. The Respondent No.3 shall decide such show cause notice in accordance with law.

8. All contentions of both parties are kept open.

9. Respondent No.3 shall consider the allegations made by Respondent No.4 also in the complaint while disposing of the said show cause notice.

10. The order that would be passed by Respondent No.3 shall be communicated to the Petitioners within one week from the date of passing of the order. If the order is adverse against the Petitioners, the Petitioners would be at liberty to file appropriate proceedings.

11. Rule is made absolute in the abovesaid terms.

12. Writ Petition is accordingly disposed of. No order as to costs.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)