

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-4681-2021(O&M)
Date of Decision:26.02.2021**

Ankit Goel

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Anuj Arya, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant writ petition is directed against the notice dated 11.12.2020 (Annexure P-6) issued by the Principal Medical Officer, Civil Hospital, Panipat and addressed to the Secretary, Red Cross Society, Panipat as regards making available of space in the Civil Hospital for opening of Jan Aushadhi Kendra under the Pradhan Mantri Bhartiya Jan Aushadhi Kendra Scheme. Further challenge is to a second notice dated 10.02.2021 (Annexure P-8) also issued by the CMO, Civil Hospital, Panipat and addressed to the Secretary, Red Cross Society, Panipat regarding vacation of the Pradhan Mantri Jan Aushadhi Kendra in the Civil Hospital. As per second impugned notice dated 10.02.2021 (Annexure P-8) the Centre ought to be vacated on or before 15.02.2021 failing which the same would be

sealed.

The case projected on behalf of the petitioner herein is that he had entered into an agreement on 16.07.2019 (Annexure P-4) with the Red Cross Society to run the Aushadhi Kendra for a period of 10 years i.e. up to 15.07.2029. It is contended that under such circumstances the petitioner cannot be treated as a trespasser and prior notice ought to have been served upon him as regards vacation of the premises is concerned. Counsel further submits that after entering into of the agreement dated 16.07.2019 (Annexure P-4) a substantial sum of money has been spent by the petitioner for setting up of the store and by virtue of the impugned notices the petitioner would suffer substantial loss.

Having heard counsel at length and having perused the pleadings on record this Court is of the considered view that no intervention in the matter is warranted.

It has gone uncontroverted that the premises where the Jan Aushadhi Kendra is being run presently is within the Civil Hospital compound at Panipat. The same is Government property. Needless to mention that the Pradhan Mantri Bhartiya Jan Aushadhi Kendra Scheme has been formulated to help out the poor and needy patients and for medicines to be made available at subsidised rates. The District Red Cross Society, Panipat had been given permission to run such Aushadhi Kendra from within the Civil Hospital at Panipat. Such permission/license document has, however, not been placed on record. Strangely the Red Cross Society has chosen to lease out the premises for running of the Aushadhi Kendra in favour of the petitioner by charging a rental amount of Rs. 20,000/- per month and which was open to be enhanced up to 10% on a yearly basis.

Counsel has not been able to advert to any document/material which permitted the Red Cross Society at Panipat to enter into such arrangement of outsourcing an Aushadhi Kendra to a third party. Needless to observe that the rental amount of Rs. 20,000/- per month and which was to be enhanced by 10% every year over the 10 years lease period would be recovered by the lessee/present petitioner from the sale of medicines from such Jan Aushadhi Kendra. Such a commercial venture would defeat the very purpose of opening up a Jan Aushadhi Kendra. In any event the impugned notices have not been issued to the petitioner herein but to the Red Cross Society. It is the Red Cross Society which is to respond to the notices. Under such circumstances the instant writ petition at the hands of the present petitioner would not even be maintainable.

No intervention as such is called for.

Writ petition is dismissed.

It would, however, be open for the petitioner to seek his remedies as may be available in accordance with law emanating out of the agreement dated 16.07.2019 (Annexure P-4) against the Red Cross Society, District Panipat.

(TEJINDER SINGH DHINDSA)
JUDGE

26.02. 2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No