

(In virtual Court)

CWP No.11284 of 2021

Date of Decision: 02.07.2021

Bhandari Hospital, Bathinda

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Gursharan Kaur Mann, Senior Advocate with
Mr. Sunil Kumar, Advocate,
for the petitioner.

Ms. Anju Arora, Addl. Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed for quashing the letter dated 11.06.2021 (Annexure P-7) issued by respondent No.4, vide which, petitioner hospital's De-addiction centre has been directed to shut down without any authority.

The solitary argument raised by learned counsel for the petitioner is that the impugned letter (Annexure P-7) has not been passed by the competent authority; as prescribed under the rules. It is submitted that under the rules, a Committee is required to consider the issue and provide an opportunity of hearing to the licensee before canceling the licence. No such process has been undertaken by the respondents.

Learned State counsel has submitted that the communication (Annexure P-7) was sent to the petitioner by way of an advance warning to comply with the rules. Letter annexure P-7 is not even a cancellation order,

as such. The competent authority would pass a cancellation order after hearing the petitioner, if the petitioner does not comply with the rules.

In view of the above, the present writ petition is disposed of by directing the respondents to grant an opportunity of hearing to the petitioner and then to pass a speaking order for canceling the licence of the petitioner, if the authorities deem it appropriate in view of any violation of provisions of law by the petitioner.

It is further ordered that the necessary action shall be taken by the authorities within a period of 20 days from today. Within this limited period of 20 days, the operation of the De-addiction centre at the present place shall not be disturbed by the respondents; unless the petitioner violates any provisions of Narcotic Drugs and Psychotropic Substances Act, 1985.

(RAJBIR SEHRAWAT)
JUDGE

02.07.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No