

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9652 of 2022

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Mantu Kumar Dwivedi Son of Suresh Dwivedi, Resident of Village-Ratan
Parauli, P.S.-Maharajganj, District-Siwan. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.
4. The Executive Director, State Health Committee, Bihar, Patna.
5. The Collector, District-Siwan.
6. The Block Development Officer, Basantpur, Siwan.
7. The Civil Surgeon cum the Chief Medical Officer, District Siwan.
8. Incharge Medical Officer, Primary Health Centre, Basantpur, Siwan.
9. The Officer-Incharge Basantpur Police Station, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Mishra, Advocate
For the Respondent/s : Mr.Rajeshwar Singh (Ga 10)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)
Date : 04-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (a) For issuance of an appropriate writ in the nature of certiorari for quashing and set aside the part of the order contained in Memo No. 839(12) dated 07.06.2022 issued by the respondent no.3 and letter dated 15.06.2022 issued under the joint signature of respondent no. 6 and 8 whereby and whereunder Shivam Ultrua Sound Centre, Basantpur has been closed and sealed without any allegation.

- (b) A writ in the nature of Mandamus or any other appropriate writ directing the respondents to not take any coercive step against the above Ultra Sound Centre as well as the petitioner and be further directed the respondent to give permission to reopen the aforesaid Ultra Sound centre.
- c) Any other appropriate writ order or direction as your Lordship may deem fit and proper.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the respondent no.7, namely, **The Civil Surgeon cum the Chief Medical Officer, District Siwan** to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in

accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2022
Transmission Date	NA