

07.02.2022

Sl. No. 30

Court No.13

B.M.

WPA 1500 of 2022

The Saharahat Nursing Home & Anr.

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Subir Sanyal

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

Mr. Sumouli Sarkar

Mr. Ishan Bhattacharya

... for the petitioner

Mr. Tapan Kumar Mukherjee

Ms. Saheli Mukherjee

... for the State

Mr. Sonal Sinha

Mr. Ankita Dey

... for the West Bengal Pollution Control Board

The writ petitioner is aggrieved by the order dated 24th January, 2022 passed by the CMOH, South 24 Parganas suspending operation of the Hospital. The grounds for suspension are deviations relating to human resources and necessary clearance from the Pollution Control Board and discrepancies relating to the land documents.

The petitioner is aggrieved by the same since according to him in terms of Section 23 of the West Bengal Clinical Establishment Regulation Act of 2017, his client was entitled to a notice of improvement.

This court is of the view that since the petitioner is entitled to prefer an appeal against the order dated 24th January, 2022 he may avail such alternative remedy.

Let the appeal already preferred by the petitioner be disposed of by the appellate authority, mandatorily and positively within a period of 10 days from the date of receipt of a copy of this order. Since the petitioner has informed the court that his clinical establishment has been attacked by the public for not admitting patients, the Officer-in-Charge, Falta Police Station shall post necessary police picket in and around the said Hospital area for a period of seven days. Strict vigil shall be ensured so that no untoward incident should occur in the Hospital area.

With the aforesaid observations the writ petition is disposed of.

(Rajasekhar Mantha, J.)