

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23146 OF 2022

Dr. Diptimayee Mohapatra ***Petitioner(s)***
Mr.S.Kashyap,Adv.

-versus-

State of Orissa and others ***Opposite Party(s)***
Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
10.10.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer:-

“It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to admit the writ application, issue Rule NISI in the nature of writ of mandamus or any other appropriate writ (s) calling upon the Opp. Parties to show cause as to why the Opp. Parties more particularly Opp. Party No.4 shall not be directed to inspect the Surakhya Nursing Home of the Petitioner and issue necessary clearance and further as to why the Opp. Party No.2 shall not be directed for renewal of Registration in favour of the Nursing Home;

And in the event the Opp. Parties fail to show cause or show insufficient cause the said rule be made absolute and the Opp. Parties more particularly Opp. Party No.4 be directed to inspect the Surakhya Nursing Home of the Petitioner and issue necessary clearance and further the Opp. Party no.2 be directed for renewal of Registration in favour of the Nursing Home;

And may pass such other order/orders, direction/directions as this Hon’ble Court may deem fit, proper, and equitable in the facts and circumstances of the case;

And for which act of kindness the petitioners shall as in duty bound ever pray.”

3. Through documents established undisputedly application for renewal of the Nursing Home establishment is pending before the competent authority, however the renewal was not cleared for the reason of some technical difficulties. Learned counsel for the Petitioner taking this Court to the documents on record submits that in the meantime there is sufficient progress on the application of the Petitioner for grant of Fire Safety Certificate in favour of the Petitioner. It is stated even though Petitioner has already attended to all the requirements for grant of Fire Safety clearance Certificate, the Deputy Fire Officer is not finalizing in the Fire Safety clearance issue involving the Petitioner. As a consequence, the competent authority is unable to move in the matter of renewal of Nursing Home license.

5. Mr.Ghose, learned Additional Government Advocate however taking this Court to the deficiency marked at page-48 of the brief contended there is definite obstruction involving renewal of the Nursing Home license. And a direction at this stage can be issued only to the Deputy Fire Officer, Balasore fire office for finalizing the issue involved herein to provide Fire Safety clearance Certificate in favour of the Petitioner.

6. Considering the rival contentions of the Parties, this court in appreciation of the claim of the Petitioner disposed of the Writ Petition with a direction to the Deputy Fire Officer, Balasore Fire Office to complete the issue involving the Fire Safety Certificate in favour of Surakhya Nursing Home, Jaleswar, Balasore by completing the entire exercise at least within a period of three weeks from the date of communication of order by the Petitioner.

7. This Court records the statement of learned counsel for the Petitioner that in the meantime the establishment has already met for all such requirements in the grant of Fire Safety Certificate.

7. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna

