

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1722 of 2023

Prashant Rajgarhia Son of Late Ajay Kumar Rajgarhia, Resident at B-125/126 Central park, GIDC Pandesara, P.O. and P.S.-Pandesara, District-Surat (Gujarat) at Present resident of Lal Bazar, in Front of Shahid Park, Bettiah, P.O.-Bettiah, P.S.-Bettiah Town, District-West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. through the Principal Secretary, Health Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector Bettiah, West Champaran, Bihar.
4. The Civil Surgeon-Cum-Medical Officer, Bettiah, West Champaran, Bihar.
5. The Additional Chief Medical Officer, West Champaran, Bettiah.
6. The Medical Officer In-charge, Priamry Health Centre Bettiah, West Champaran,
7. Maa Sharda Health Clinic, Located at Supriya Cinema Road Bettiah, West Champaran, Bihar, through its Proprietor namely Kedar Prasad, Son of Ram Ayodhya Prasad, Resident of Mohalla-Ujjain Tolla, Shanti Nagar, Ward No. 35, P.O. and P.S.-Town Bettiah, District-West Champaran.
8. Govind Prasad Rajgarhia, Son of Late Surajmal Rajgarhia, Resident of Mohalla-Lal Bazar, Bettiah, P.S.-Bettiah Town, District-West Champaran.
9. Nishant Raj Son of Govind Prasad Rajgarhia, Resident of Mohalla-Lal Bazar, Bettiah, P.S.-Bettiah Town, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Adv. With Mr. Santosh Kumar Mishra, Adv.
For Respondents State	:	Mr. Ramadhar Singh (Gp25)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 23-03-2023

1. Heard the parties.

2. The petitioner by way of this writ petition has

prayed as under:

“1. i) To issue an appropriate writ/order/direction, in the nature of



Certiorari for quashing the Provisional Certificate dated 28.11.2022 issued by the Civil Surgeon-cum- CMO, West Champaran, Bettiah, in favour of respondent no. 7 for registration of Clinical establishment.

ii) To issue an appropriate writ/order/direction, directing the Civil Surgeon-cum-CMO, West Champaran, Bettiah, to seal the Hospital premises established in the name of Maa Sharda Health Clinic (respondent no. 7) and further not to issue any permanent registration certificate in favour of respondent no. 7.

iii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. It is noticed that the claim of the petitioner is on the basis of an order passed in Title Suit No. 461 of 2013, alleging that respondent nos. 8 and 9 have played fraud with the Court and entered into an agreement with the respondent no. 7 and established clandestinely a Hospital.

4. Learned counsel submits that the provisional certificate issued by the Civil Surgeon for the said Hospital/Clinical establishment is deserves to be quashed.

5. The facts as noticed above, reflect of a civil dispute between the petitioner and the respondent nos. 7, 8 and 9. The writ petition for vindicating civil rights is not maintainable.



6. The writ petition is dismissed being wholly frivolous with cost of Rs.10,000/- (Ten thousand) to be deposited with the Patna High Court Legal Services Authority.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 16

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