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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 17028/2024**

DR. DINESH CHANDRA AGARWAL

.....Petitioner

Through: *Appearance not given.*

versus

DIRECTORATE OF FAMILY WELFARE & ANR.Respondents

Through: **Mr. Tushar Sannu and Mr. Nikhil K.,**
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.12.2024

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1. The Petitioner was granted a certificate of registration dated 20th November, 2002 for his clinic, i.e., Agarwal Medical Clinic to operate as an MTP centre to carry out medical termination of pregnancy¹ as per the Medical Termination of Pregnancy Act, 1971². On 24th November, 2023, Respondent No. 2 – Directorate of Health Services, GNCTD, served a show cause notice on the Petitioner, directing them to furnish the original records and details with respect to the MTP related medical treatment given at the Agarwal Medical Clinic. The Petitioner submitted a reply to the aforementioned show cause notice on 10th January, 2024, however, after nine months of furnishing such reply, Respondent No. 2 in exercise of powers under Rule 7(1) of the MTP Act, cancelled the certificate of registration granted to the

¹ “MTP”



Petitioner *vide* order dated 03rd September, 2024³. The Petitioner urges that since there was an error apparent on the face of the record, he filed a review application under Rule 8 of the MTP Rules, 2003, against the order dated 03rd September, 2024, along with an application for interim stay.

2. Since no decision has been taken on the review application, he has filed the instant writ petition seeking the following reliefs:

- a. *Issue a writ, order or direction in the nature of a Writ of Certiorari or any other appropriate writ to direct Respondent No. 2 to hear, adjudicate and decide the review application filed by the Petitioner herein against the order dated 03.09.2024 passed by the Respondent No. 2 herein;*
- b. *Issue directions to the Respondent No. 2 to expedite the review application filed by the Petitioner herein as the Petitioner is 83 years old senior citizen;”*

3. Mr. Tushar Sannu, counsel for Respondents, states on instructions that the review application shall be taken up for consideration in the next meeting of the District Level Committee.

4. During the course of the submissions, advanced by the counsel, it appears that there is some confusion regarding the authority which is to receive the review application. However, the copy of the review application is annexed with the instant writ petition which has been supplied to Mr. Sannu. Thus, Mr. Sannu is instructed to forward the review application to the concerned officer who has to take the decision on the said application, so that the matter can be placed before the District Level Committee, as assured by him.

5. Respondents are directed to decide the review application within a period of two months from today.

² “MTP Act”

³ “impugned order”



6. With the above direction, the present petition is disposed of.
7. All rights and contentions of the parties are reserved. The Court has not made any comment on the merits of the case.

SANJEEV NARULA, J

DECEMBER 10, 2024

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