

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5674 of 2024

M/s Shri Ram MRI Scan Centre, Arar More, Gopalganj, through its Owner Dr. Nawal Kishore Pandey, aged about 50 years, (Gender-Male), Son of Sri Tapan Pandey, Resident of Village-Fatehpur Bye-Pass Road, Siwan, P.O. Siwan, P.S.-Mahadeva O.P., District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secreary, Health Department, Government of Bihar, Patna.
2. The Director-in-Chief, Health Servides-Cum-State Level Appropriate Authority, PC and PNDT, Bihar, Patna.
3. The Divisional Commissioner, Saran Division at Chapra.
4. The District Magistrate, Gopalganj.
5. The Civil Surgeon-Cum-Chief Medical Officer-Cum- District Appropriate Authority, PC and PNDT, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Adv.
	:	Mr. Binod Bihari Sinha, Adv
	:	Mr. Pranav Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (5)
	:	Mr. Dheerendra Kumar, AC to GP5

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 20-02-2025 Heard the learned counsel for the parties.

2. A perusal of the impugned order reveals that the authority had taken a decision to close the ultra sound/ MRI unit/ scanning center of the petitioner based on the decision taken on 16.01.2024. Though the counter-affidavit has been filed by the respondents, the decision taken on 16.01.2024 has not been enclosed to the counter-affidavit. Further, it is to be noted that in the counter-affidavit except stating that the unit of the petitioner was closed on the date of inspection i.e.,



30.05.2023, no other reason has been given by the authorities concerned.

3. When queried by this Court, learned counsel for the respondents is unable to point out to any law which mandates that the petitioner's unit should be open 24X7 or it should be open during a particular period of time. In the absence of any law which mandates the petitioner to keep the unit open, the authority cannot seal the premises or cancel the registration of the petitioner merely on the ground that on the date of inspection, the unit of the petitioner was closed.

4. Having regard to the same, the impugned order bearing Memo No. 410 dated 09.02.2024 is set aside and the registration of the MRI Scan Centre of the petitioner is restored. The petitioner shall be permitted to run the unit. In case the respondents receive any complaint from any quarter, they are free to make necessary inspection and take action strictly in accordance with law.

5. With the above direction, the present writ petition stands allowed.

(A. Abhishek Reddy, J)

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