

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12792 of 2024

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Md Perwez Akhtar S/o of Md. Alimuddin Nima Road, village- Hamzapur,
P.S.- Amas, District- Gaya- 824211.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Additional Chief Secretary, Department of Health, Bihar, Patna.
2. The Civil Surgeon-cum- Chief Medical Officer- Gaya, Bihar.
3. The In charge Medical Officer, Community Health Centre, Amas, Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari, Advocate.

For the Respondent/s : Mr. Advocate General

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

8 06-05-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) To issue a writ of Mandamus or any other appropriate writ/order/direction commanding and directing the respondents to unseal the entire premises of Life Line Hospital, located at Hamzapur, P.S. Amas, District Gay, belonging to this petitioner. The premises were sealed by respondent authorities, particularly Respondent No. 3 on 01.06.2023, purportedly under the direction of the Hon’ble Patna High Court and senior officer at the district level, without producing a copy of the Hon’ble Patna High Court’s order directing the sealing of this petitioner’s hospital, or the order of senior district officer, and without providing any notice, opportunity to show cause, or reasons for refusal to accept the application for registration of the nursing home. This action of the Respondents particularly Respondent No. 3 disregards the due process of law as stipulated



in the Clinical Establishments (Registration & Regulation) Act, 2010 and Bihar Clinical Establishments (Regulation and Regulation) Rules, 2013, which do not authorize the sealing of a Hospital/Nursing Home.

(ii) To direct the Respondents No. 3 to produce the order passed by the Hon'ble Patna High Court which directed Respondents particularly Respondent No. 3 to seal the entire premises of Life Line Hospital, located at Hamzapur, P.S. Amas, District Gaya, belonging to this petitioner.

(iii) To direct the Respondents No. 3 to produce the order passed by the Senior Officer of District level which directed Respondent No. 3 to seal the entire premises of Life Line Hospital, located at Hamzapur, P.S. Amas, District-Gaya, belonging to this petitioner.

(iv) To direct the Respondents to allow this petitioner to resume and run his Life Line Hospital, located at Hamzapur, P.S. Amas, District-Gaya, without any interruption in accordance with law.

(v) To direct the respondents particularly Respondent No. 2 to receive the application for registration of this petitioner's Hospital/Nursing Home namely Life Line Hospital, located at Hamzapur, P. S. Amas, District-Gaya without any further delay and to grant the registration in accordance with law."

3. It is the case of the petitioner that without any prior notice the respondent, the authorities have raided the premises of the petitioner on 31.05.2023 and, thereafter, sealed the hospital. Learned counsel for the petitioner has stated that the authorities do not have the power to seal the hospital under the Clinical Establishment (Registration and Regulation) Act, 2010



and the said act of sealing the premises is contrary to law against the principles of natural justice and equity as no prior notice has been issued to the petitioner. Further it is stated by the learned counsel that the authorities without serving any show cause notice on the petitioner under the provisions of the above Act have straightaway sealed the premises thereby putting the petitioner to irreparable hardship and monetary loss. Further, learned counsel appearing on behalf of the petitioner has stated that during the pendency of the present writ petition, the petitioner has made an application seeking registration under the Clinical Establishment (Registration and Regulation) Act, 2010 and the authorities are yet to pass orders on the same. Therefore, the learned counsel has prayed for allowing the present Writ Petition and directing the respondents to unseal the clinic.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present Writ Petition. Learned counsel has stated that the authorities duly taking into account that the petitioner does not have the necessary permission and registration to run the hospital. That the authorities have taken the necessary action strictly in accordance with the Clinical Establishment (Registration and Regulation) Act, 2010, and



therefore prayed this Hon'ble Court to dismiss the present Writ Petition.

5. Having regard to the same, the present writ petition is disposed of directing the official respondents to unseal the premises as expeditiously as possible preferably within a period of two weeks from today. Thereafter, the authorities are directed to process the application made by the petitioner and pass necessary orders strictly in accordance with the provisions of the Clinical Establishment (Registration and Regulation) Act, 2010. Till such time the provisional registration is given, the petitioner shall not run the hospital by admitting any patients or conducting any sort of activity in the said premises. If there is any violation of the provisions of the Clinical Establishment (Registration and Regulation) Act, 2010 or any other law, the official respondents are free to take action strictly in accordance with law.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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