

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5584 OF 2025

Shree Chhatrapati Shivaji Education
Society, Dharwad and Anr. .. Petitioners

Vs.

State of Maharashtra,
Through its Secretary, Mantralaya and Ors. .. Respondents

Mr. R.V. Pai, Senior Advocate, with Ms. Siddhi Bhosale and Mr. Akshay Pai,
Advocates for the Petitioners.

Mr. B.V. Samant, Additional Government Pleader with Mr. S.H. Kankal,
Assistant Government Pleader for Respondent No.1.

Mr. Vishwajeet Sawant, Senior Advocate, with Mr. Pankaj Deokar,
Advocate for Respondent No.2

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 28TH APRIL 2025.

PC. :

1. The learned Senior Advocate for the petitioners has tendered draft amendment seeking to place on record subsequent events that have occurred after filing of the writ petition. The amendment is allowed. The same be carried out forthwith. Amended copies of the writ petition be served on the counsel for the respondents.

2. Issue notice to the respondents, returnable on 7th May 2025. Mr. B.V. Samant, learned Additional Government Pleader waives notice for respondent no.1 and Mr. Pankaj Deokar, learned counsel waives notice for respondent no.2. Respondent no.3 be duly served including service by speed post with acknowledgment. Liberty to serve the Standing Counsel.

3. It is pointed out that on 23rd April 2025, the 2nd respondent through its District Health Officer has issued a notice to the petitioner no.2 stating therein that the petitioner no.2 has not taken steps to renew its registration under the provisions of the Maharashtra Nursing Homes Registration Act, 1949. It is further stated that till such registration / renewal of the hospital takes place, the hospital being run by the petitioners would remain closed. It is pointed out that under Sections 3 and 4 of the Act of 1949, it is only if the registration of a Nursing Home is cancelled that such action can be taken. In a case where an application for registration / renewal is pending, such action cannot be taken.

4. Hence, till the returnable date, there shall be ad-interim relief in terms of prayer clause (d-1).

5. In the meanwhile, the petitioners shall pay the requisite penalty that is imposed by the Zilla Parishad without prejudice to their rights and contentions. Zilla Parishad to accept such penalty without prejudice to its rights and contentions.

6. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]