

28-01-2026
ct no. 32
Sl. 22-23
sp

W.P.A. No. 4364 of 2023
Samarendra Nath Samanta
-Versus-

The State of West Bengal & Ors.

With

W.P.A. No. 5813 of 2023
Dr. Arunansu Shit
-Versus-

The State of West Bengal & Ors.

Mr. Sk. Rejaul Alam.

...for the petitioner in WPA 4364 of 2023.
... for the respondent no. 8 in WPA 5813 of 2023.

Mr. Pappu Adhikari.

... for the respondent no. 7.
...for the petitioner in WPA 5813 of 2023

1. Two writ petitions have been filed by the partners, namely, Samarendra Nath Samantha and Dr. Arunansu Shit respectively.
2. The dispute arose between the parties with regard to the smooth functioning of Oasis Nursing Home and Polyclinic situated at Plot No. 5449, Ward No. 11, Padumbasan, Tamluk, Purba Medinipur.
3. During such disputes, a memo being No. CMHO/Pbmd/674/1(9)/2023 dated 3rd February, 2023 was issued by the CMHO,

Purba Medinipur directing the Nursing Home, inter alia, as follows: -

“1. Oasis Nursing home and Polyclinic has violated the conditions of CE Act by not producing valid current rent receipt though rent agreement between the two parties are same. Thus, it is orders that the renewed license will be kept in abeyance for 15 days within which the licensee has to submit the valid rent receipt.

2. The complaint of Sri Samarendranath Samanta that he was unaware of the Nursing home being granted license is not tenable as he has received rent for the same premises till August 202 and had raised no objection towards running of the nursing home before 24.1.2022.

3. The name of licensee will have to be modified and issued jointly to both parties unless fresh documents to prove otherwise is submitted.

4. If clear documents are not produced within 15 days the license will be permanently revoked.

5. If any new conditions other than those made during the original application during grant of license are produced, the auto renewal will be withheld until an enquiry verifies the claims.

6. Oasis Nursing Home licensee is directed to vacate the Nursing home by discharging/referring the patients to other hospitals and stop operations immediately. Compliance report to be submitted to the undersigned within 8th February 2023.

7. The matter of revoking the license for want of appropriate documents will be reviewed after 15 days.”

4. After hearing the parties, a Co-ordinate Bench of this Court initially passed a stay order of such memo dated 3rd February, 2023. The stay order was granted in favour of Dr. Arunansu Shit subject to payment of arrear rent demanded by the owner/partner

Samarendra Nath Samanta, who is the writ petitioner in WPA 4364 of 2023.

5. During the pendency of these writ petitions, the said license had expired on 31st December, 2025. Neither of the parties prays for renewal of the same.
6. As per the submissions made on behalf of the petitioner, Dr. Shit that the Nursing Home is now closed and all the medical equipments available in the said premises are under lock and key in the possession of Samarendra Nath Samanta.
7. Learned counsel appearing on behalf of Samarendra Nath Samanta denied and disputed the contention of the learned counsel appearing on behalf of Dr. Shit.
8. It appears from the above facts and circumstances that the disputes are essentially civil in nature between two private individuals and such disputed question of facts cannot be adjudicated by the writ court. All the aforesaid issue to be decided by the Competent Court of law.
9. In the above backdrop, these writ petitions become infructuous, when the license of the nursing home has already been expired and

not renewed further on and from 1st January, 2026 and same is closed.

10. It is made clear that this court has not entered into the merits of the private disputes or claims made by the parties herein. Therefore, all points are left open to be decided by the appropriate forum in accordance with law, if approached by the parties for their relief, if advice.
11. With the above observations and directions, both the writ petitions being **WPA No. 4364 of 2023** and **WPA No. 5813 of 2023** are, thus, disposed of. There shall be no order as costs.
12. Connected applications, if any, are also, thus, disposed of.
13. Interim order, if any, stands vacated.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)