

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2017

BEFORE

THE HON'BLE MR. JUSTICE A.S.BOPANNA

WRIT PETITION NO.2594/2017 (GM - RES)

BETWEEN :

DR.. SHANKARA B S
S/O SRI SATTIGOWDA
AGED ABOUT 31 YEARS,
YASHSWINI CLINIC, SHOP NO.2,
BASAVARAJA COMPLEX
K.K.ROAD, RAVANDURU-571 108
PERIYAPATTANA TALUK
MYSURU DISTRICT

... PETITIONER

(BY SRI. NAIK N R., ADV.,)

AND :

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
HEALTH DEPARTMENT,
VIKASA SOUDHA
BENGALURU – 01.
2. THE CHIEF EXECUTIVE OFFICER
& CHAIRMAN OF REGISTRATION
COMMITTEE FOR KARNATAKA
PRIVATE MEDICAL ESTABLISHMENT
MYSURU ZILLA PANCHAYATH
MYSURU DISTRICT – 570012.
3. THE DISTRICT HEALTH &
FAMILY WELFARE OFFICER
MYSURU DISTRICT
MYSURU – 570001.

4. THE DISTRICT SECRETARY
DISTRICT AYUSH OFFICER
MYSURU DISTRICT
MYSURU – 570001.

... RESPONDENTS

(BY SRI. R.B. SATYANARAYANA SINGH, AGA.,)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-3 TO PLACE THE APPLICATION DTD.31.12.2016 BEFORE R-2 COMMITTEE FOR REGISTRATION UNDER THE PROVISION OF K.P.M.E. ACT VIDE ANNEX-F AND ETC.

THIS WRIT PETITION COMING ON FOR *PRELIMINARY HEARING* THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The learned Government Advocate to accept notice for respondent Nos.1 to 4 and file memo of appearance in four weeks.

2. The petitioner is before this Court seeking for issue of mandamus to the respondents to consider the application filed by the petitioner for registration of his medical establishment. The petitioner has also sought for issue of mandamus to the respondents not to interfere in petitioner's practice until consideration of his application.

3. The petitioner claims that he is a medical practitioner practicing in various forms of Medical Science. In view of the requirement under the Private Establishment

Act, 2007 to register himself, the petitioner has made an application seeking registration. Since, the application has not been considered in accordance with law, the petitioner is before this Court. It is also averred that the respondents without considering the application are interfering with his practice and therefore, the application needs to be considered expeditiously.

4. The fact that the said application requires to be made and the same requires consideration by the 3rd respondent is not disputed by the respondents. In fact in similar set of circumstance, this Court in W.P.No.47102-104/11 and connected petition has by its order dated 14.03.2012 directed consideration of such application. In any event, in the instant case, when the petitioner has made an application under the relevant Act, there is a duty cast on the 3rd respondent to consider and dispose of the application. Without considering the application, certainly the 3rd respondent would not be entitled to interfere in the practice of the petitioner.

5. In the event, the application requires consideration by any other authority, the 3rd respondent shall transfer the application to such authority, who shall consider and dispose of the application in accordance with the directions issued.

6. Hence, a direction is issued to the 3rd respondent to consider the application submitted by the petitioner as expeditiously as possible and in accordance with law. Such consideration shall not be later than three months from the date of furnishing a copy of this order. Needless to mention that until the consideration of the application, the practice of the petitioner shall not be interfered with.

The petition is disposed of accordingly.

**Sd/-
JUDGE**

Akc/bms