

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY 2019

BEFORE

THE HON'BLE MR. JUSTICE ALOK ARADHE

WRIT PETITION NO.3339 OF 2019 (GM-RES)

BETWEEN:

V.Manjula Devi,
W/o.D.Tirupathaiah,
Aged about 43 years,
Residing at 6th Cross,
Palasandra Layout, Bangarpet,
Kolar District-563 101. Petitioner

(By Sri. Shaiju Kumar, Advocate)

AND:

1. The State of Karnataka,
Rep. by Chief Secretary,
Department of Health & Family Welfare,
Vikasa Soudha,
Bengaluru-560 001.
2. The Chief Executive Officer and
Chairman of Registration Committee,
Karnataka Private Medical Establishment,
Kolar District,
Kolar-561 301.
3. The Deputy Commissioner,
Kolar District,
Kolar-561301.

4. The District Health & Family Welfare Officer, Kolar District, Kolar-561301.
5. The District Secretary, District Ayush Officer, Kolar District-561301. ... Respondents

(Sri.Y.D.Harsha, AGA)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the R-4 to open legally the sealed lock of Satya Sai Clinic at Markandeya Tank Road, Budikote, Bangarpet Taluk, Kolar and permit the petitioner to practice without any interference.

This Writ Petition coming on for Preliminary Hearing, this day, the Court made the following:-

ORDER

Sri.Shaiju Kumar, learned counsel for the petitioner.

Sri.Y.D.Harsha, AGA for respondents.

The petition is admitted for hearing. With the consent of both parties, the same is heard finally.

2. In this petition, the petitioner inter-alia seeks for a writ of mandamus directing respondent

No.4 to open the clinic of the petitioner at Markandeya Tank Road, Budikote, Bangarpet Taluk, Kolar and to permit the petitioner to practice without any interference.

3. When the matter was taken up today, learned counsel for the petitioner submitted that the petitioner has obtained Membership Certificate from Ayush Medical Association on 30.04.2008 and on 01.12.2009 has obtained Diploma in Naturopathy and Yogic Science. Thereafter, the petitioner has obtained Diploma in Community Medical Services with Essential Drugs on 10.01.2015. On 27.11.2015, the petitioner was registered as Community Medical Services Practitioner. However, unilaterally without affording any opportunity of hearing to the petitioner, the District Health and Family Welfare Officer of Kolar had sealed the clinic of the petitioner.

4. Learned counsel for the petitioner submitted that the writ petition be disposed of with liberty to the petitioner to submit a representation to the competent authority and the aforesaid authority be directed to decide the representation submitted by the petitioner by a speaking order, after affording an opportunity of hearing to her.

5. On the other hand, learned Government Advocate submitted that in case such a representation is submitted by the petitioner, the same shall be dealt with in accordance with law.

6. In view of the aforesaid submissions and in the facts of the case, the writ petition is **disposed of** with liberty to the petitioner that in case she submits a representation to the competent authority within a period of one week from the date of receipt of the certified copy of the order passed today, the competent authority shall pass a

speaking order after affording an opportunity of hearing to the petitioner within a period of three weeks from the date of receipt of such a representation.

**Sd/-
JUDGE**

dn/-