

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 1216/2025

Charanpreet Singh & Anr.

.....Applicant(s)/Petitioner(s)

Through :- Mr. Aseem Sawhney, Advocate

v/s

UT of J & K and Ors.

.....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG
Mr. Raman Sharma, AAG

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
20.05.2025

1. By this petition, petitioners have challenged the powers exercised by Respondent No. 4, at the behest of Respondent No. 3 wherein, Respondent No. 4, has sealed the clinic of the petitioners under the name and style of Jai Hind Psychiatry Clinic located at Bagga Marh, Main Road, RS Pura on 21.04.2025.
2. Learned counsel for the petitioners submits that Respondent No. 4 has sealed the clinic of the petitioners without even issuing a show cause notice or any formal order, moreover, the same has been done without any jurisdiction vested with the respondents under law.
3. Mr. Aseem Sawhney, learned counsel appearing on behalf of the petitioners submits that a communication has been issued by Respondent No. 3, to the petitioners bearing No. CMO-J/NCORD 2025/954-58 dated 22.04.2025, while communicating the observations/shortcomings at the time of inspection of the clinical establishment of the petitioners which was also addressed to Respondent No. 4-Sub-Divisional Magistrate, R S Pura for information with further note that since the clinic in question has

been sealed, it may not be de-sealed till the ongoing inquiry into the matter is completed.

4. It is stated by learned counsel for the petitioners that the action taken by the respondents in sealing the clinic of the petitioners is not in consonance with law, more particularly, under Section 33 and 34 of the Clinical Establishments Act read with Rule 12 of the S.O 168.
5. Heard learned counsel for the petitioners at length.
6. Issue notice to the respondents, which is waived by Ms. Monika Kohli, learned Sr. AAG on behalf of Respondent No. 4 and by Mr. Raman Sharma, learned AAG on behalf of Respondent No. 1 to 3 and 5. They seek and are granted four weeks' time to file response to the instant petition.
7. List on **15.07.2025**.
8. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, Respondent No. 3 & 4 are directed to de-seal the clinic of the petitioners. However, liberty is granted to the respondents to proceed against the petitioners in terms of Act, Rules and Regulations, applicable under law.

Alteration/modification/vacation on motion.

(Moksha Khajuria Kazmi)
Judge

JAMMU
20.05.2025
Diksha