



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2025

BEFORE

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THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 29432 OF 2025 (GM-RES)

BETWEEN:

DR. REKHA RAVISHANKAR @ S REKHA
W/O R RAVI SHANKAR,
AGED ABOUT 57 YEARS,
RESIDING AT NO. 426/37
56TH CROSS, 3RD BLOCK, RAJAJINAGAR,
BANGALORE - 560010

HAVING CLINIC AT SHREYAS CLINIC
NO. 128/B, 1ST MAIN ROAD,
KRISHNANDANAGAR, NANDINI LAYOUT,
BENGALURU - 560096

...PETITIONER

(BY SRI. SHIVA SRINIVASAN.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL
SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
NO.105, 1ST FLOOR, VIKASA SOUDHA,
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER
AND CHAIRMAN OF REGISTRATION
COMMITTEE FOR KARNATAKA
PRIVATE MEDICAL ESTABLISHMENT
HEALTH AND FAMILY WELFARE SERVICES, AROGYA
SOUDHA, 4TH FLOOR, MAGADI ROAD,
BANGALORE - 560023.
3. DIVISIONAL JOINT DIRECTOR (BANGALORE CITY)





HEALTH AND FAMILY WELFARE SERVICES,
AROGYA SOUDHA, 4TH FLOOR,
MAGADI ROAD, BANGALORE - 560023.

4. DEPUTY DIRECTOR - 01
AUTHORITY UNDER THE K.P.M.E., WEST ZONE,
HEALTH AND FAMILY WELFARE SERVICES,
AROGYA SOUDHA, 4TH FLOOR, MAGADI ROAD,
BANGALORE - 560023.

...RESPONDENTS

(BY SRI. SIDDARTH BABURAO., AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED NOTICE DATED 30/07/2025 AT ANNEX-A ISSUED BY THE RESPONDENT NO. 4 BEARING NO. DJD/BAMNA/UNI-K.P.M.E/11/24-25 AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- I. *To Issue a writ of certiorari to quash the Impugned Notice dated 30.07.2025 at Annexure-A issued by the R4 bearing No. DJD/Bamna/Uni-1/K.P.M.E/11/24-25.*
- II. *Issue a writ of mandamus to the Respondent No.2 to grant the license to the petitioner's clinic on the Application No.39320 and CR No.49242 dated 22.03.2024 at Annexure-C as 'deemed' as per the proviso of Section 7(1) of Karnataka Private Medical Establishments Act 2007.*



III. Pass any further order(s), direction(s), which this Hon'ble Court may deem fit and proper in the interest of justice and equity.

2. The petitioner claims to be a qualified Medical Practitioner and is registered with the Karnataka Ayurvedic and Unani Practitioners' Board with Registration No.10247. The petitioner, in order to establish a clinic had made an application on 22.03.2024 through the online portal, which came to be numbered as Application No.39320 and CR No.49242 for registration of the clinic under Subsection (1) of Section 7 of the Karnataka Private Medical Establishment Act, 2007 [hereinafter referred to 'KPME Act'].
3. The petitioner on 30.07.2025 received a phone call from respondent No.4 stating that they would come to the petitioner's clinic for inspection and thereafter, on that day had issued a notice to the petitioner to close the clinic, despite the petitioner contending that



there is a deemed sanction of registration in favour of the petitioner, it is in that background that the petitioner is before this court seeking for the aforesaid reliefs.

4. The only reasons why the respondent had called upon the petitioner to close the clinic was that it was not registered, and no registration certificate, and also the biomedical waste was not maintained in a proper manner as per the requisite guidelines.
5. Learned counsel for the petitioner, though submitted that the biomedical waste is now being disposed of in the required manner, it would still require for the respondent to ascertain if the same is being done in a proper manner.
6. Subsection (1) of Section 7 of the KPME Act is reproduced hereunder for easy reference:

7. Disposal of applications.- (1) *On receipt of an application under section 5 the Registration and Grievance Redressal Authority may having regard to the provisions of section 6 and after such enquiry as may be*



necessary, by an Inspection Committee, either grant registration subject to the conditions as may be prescribed or reject the application within ninety days from the date of receipt of the complete application in all respects: Provided further that in case of any delay beyond ninety days the registration shall be deemed to have been granted.

7. A perusal of Subsection (1) of Section 7 would indicate that on receipt of an application under Section 5, the Registration and Grievance Redressal Authority having regard to the provisions of Section 6, after enquiry, as may be necessary, and inspection by the inspection committee, grant registration subject to the conditions that have been prescribed, or reject the application within 90 days of the date of receipt of the complete application in all respects. The provisio further provides that in case of any delay beyond 90 days, the registration shall be deemed to have been granted.

8. In the present matter, there is no particular information which has been sought by the respondent as regards the application which has



been submitted; therefore, clearly implying that the application which has been submitted is complete in all respects. In that view of the matter, the deeming fiction under the proviso of Subsection (1) of Section 7 would become applicable, thereby, the registration of the clinic of the petitioner is deemed to have been granted under Subsection (1) of Section 7, read with the proviso thereof, within 90 days from the date of the application, i.e., 22.03.2024. The inspection having been conducted on 30.07.2025 was beyond the period of 90 days, and as such, the respondent could not have contended that there is no registration of the petitioner's clinic under the KPME Act.

9. In that view of the matter, I pass the following:



ORDER

- i. The petition is allowed. A certiorari is issued. The impugned notice dated 30.07.2025 at Annexure-A is quashed.
- ii. In terms of deeming fiction under the proviso of Subsection (1) of Section 7 of the petitioner's clinic having been deemed to have been registered, Respondent No. 2 is directed to issue a formal registration certificate with respect to the clinic of the petitioner.
- iii. Respondent number 2 is directed to carry out an inspection of the clinic of the petitioner to ascertain if the waste disposal has been fixed properly, and if the same has been done, to issue a necessary notice with respect thereof and take action in accordance with law.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

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List No.: 1 Sl No.: 87