



2026:AHC:66699-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10810 of 2026

Vivek Mishra

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Srivastava, Devansh Misra, Vinod Kumar Tirpathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 29

HON'BLE ARINDAM SINHA, J.
HON'BLE PRASHANT KUMAR, J.

1. The writ petition was moved on 23rd March, 2026. Mr. Devansh Misra, learned advocate appearing for petitioner had submitted, there was an unfortunate incident of fire in his client's establishment causing death of a baby. As a consequence, the authority cancelled his client's licence to run the nursing home. He draws attention to section 32 in Clinical Establishments (Registration and Regulation) Act, 2010 to submit, immediate restraint on cancellation can only happen after his client has been given opportunity on show cause issued. In this case impugned order dated 9th February, 2026 passed by respondent no. 5 (the CMO) is straightway immediate cancellation and restraint on operation. He sought interference. State had adjournment to consider and be heard on adjourned date.

2. Today Mr. Sharad Chandra Upadhyay, learned advocate, Standing Counsel appears on behalf of State. He submits, facts are such that immediate cancellation was necessary.

3. Section 32 in Clinical Establishments (Registration and Regulation) Act, 2010 is reproduced below.

"32. Cancellation of registration.-(1) If, at any time after any clinical establishment has been registered, the authority is

satisfied that,-

(a) the conditions of the registration are not being complied with; or

(b) the person entrusted with the management of the clinical establishment has been convicted of an offence punishable under this Act, it may issue a notice to the clinical establishment to show cause within three months' time as to why its registration under this Act should not be cancelled for the reasons to be mentioned in the notice.

(2) If after giving a reasonable opportunity to the clinical establishment, the authority is satisfied that there has been a breach of any of the provisions of this Act or the rules made thereunder, it may, by an order, without prejudice to any other action that it may take against such clinical establishment, cancel its registration.

(3) Every order made under sub-section (2) shall take effect-

(a) where no appeal has been preferred against such order immediately on the expiry of the period prescribed for such appeal; and

(b) where such appeal has been preferred and it has been dismissed from the date of the order of such dismissal:

Provided that the authority, after cancellation of registration for reasons to be recorded in writing, may restrain immediately the clinical establishment from carrying on if there is imminent danger to the health and safety of patients."

(emphasis supplied)

We see that the provision mandates the registered establishment to have requisite notice on intention to cancel registration. The proviso under sub-section (3) empowers immediate restraint on order of cancellation made. Petitioner's case is, he is entitled to mandatory notice before order of cancellation is made.

4. It appears, there was show cause notice dated 9th February, 2026 issued to the establishment as well as impugned order also dated 9th February, 2026 rejecting the registration, made. In view

of aforesaid, impugned order is set aside and quashed. Petitioner is to show cause pursuant to show cause notice dated 9th February, 2026 within three months from date thereof, i.e. 10th May, 2026. Respondent no.5, on submission of cause shown within the time or omission, will proceed to pass fresh order. Needless to mention, enabling provision under section 32(3) will be available to the authority for exercising the power, on reason(s) given.

5. The writ petition is **disposed of**.

March 30, 2026

Mohini

(Arindam Sinha,J.)

(Prashant Kumar,J.)