

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

REVIEW PETITION (LODG) NO. 29 OF 2013

IN

WRIT PETITION NO. 1208 OF 2012

Maharashtra Medical Council

... Review Petitioner

Vs

1. LCEH Doctors Association & Ors. ... Respondents

ALONGWITH

REVIEW PETITION (LODG) NO. 30 OF 2013

IN

WRIT PETITION NO. 1208 OF 2012

Indian Medical Association

... Petitioner

Vs

1. LCEH Doctors Association & Ors. ... Respondents

Mr. S.U. Kamdar, senior counsel with Mr. Rahul Nerlekar for the
Petitioner in RPWL 29 of 2013.

Mr. S.U. Kamdar, senior counsel with Mr. Chirag Kamdar i/b Mr.
Bimal Rajsekhar for the Petitioners in RPWL No.30 of 2013,

Mr. A.A. Kumbhakoni with Ms.Gitanjali Prabhu and Mr. Ramchandra
Yadav for the Respondent Nos.1 to 3.

Mr. G.W. Mattos, AGP, for the Respondent Nos.4 to 6.

**CORAM : S.J. VAZIFDAR, &
MRS.MRIDULA BHATKAR, JJ.**

FRIDAY, 10TH MAY, 2013

P.C.:

1. Mr. Kamdar, the learned senior counsel appearing on behalf of the review petitioners seeks a stay of the order sought to be reviewed. As under the proviso to section 28 of the Maharashtra Medical Council Act, consultation with the review petitioner, *prima facie*, at least, appears to be mandatory and as the review petitioners were not impleaded in the Writ Petition and were, therefore, not heard, we stay the operation of this order pending the admission of the Review Petition.

2. Mr. Mattos, the learned Assistant Government Pleader appearing on behalf of the State strongly opposed the application for stay. He made a statement that the State of Maharashtra intends permitting the members of respondent No.1 to practice allopathy.

3. We express no opinion regarding the statement made on behalf of the State of Maharashtra. Further, if the members of the respondent No.1 practice allopathy, they do so at their own risk. The case of respondent No.1 is that their members have, in any event, been practicing allopathy throughout though they are not registered under the Maharashtra Medical Council Act.

4. The pendency of this Review Petition will not prevent the State of Maharashtra from proceeding under section 28, including consulting the review petitioners as required by the proviso thereto. Without prejudice to the rights and contentions of all the parties, the State of Maharashtra and the review petitioners are at liberty to proceed under section 28 without being influenced or bound by the order and judgment sought to be reviewed.

Stand over to 17th June, 2013, for admission.

MRS.MRIDULA BHATKAR, J.

S.J. VAZIFDAR, J.