

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12030 of 2025**

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MILANKUMAR ISHVARBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR NIKHILESH J SHAH(3007) for the Petitioner(s) No. 1

MR. SUMIT V CHAUDHARI(9388) for the Petitioner(s) No. 1

DR VENUGOPAL PATEL AGP for the Respondent(s) No. 1

MS RV ACHARYA(1124) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 30/01/2026

ORAL ORDER

1. The present Special Civil Application is filed praying for the following reliefs:-

“5A. Admit and allow this petition

B. Quash and set aside the order dated 31/07/2025 of State Appropriate Authority Passed in Appeal No. 3/25 and consequent thereupon, direct the authority to restore the registration of the petitioner under PCPNDT Act and to open the seals applied on all the 3 sonography machines.

C. Pending hearing and final disposal of the petition, stay the implementation and operation of the order dated 31/07/2025 of the State Appropriate Authority Passed in Appeal No. 03/2025.

D. Pass other and further order in favour of the petitioner, as deemed fit the interest of justice.”

2. The factual matrix giving rise to the present writ petition is that the petitioner, Dr. Milankumar Ishvarbhai Patel, is a qualified MBBS and DGO doctor, practicing as a Gynecologist and Obstetrician at Laxmi Women’s Hospital, District

Sabarkantha. He is a registered medical practitioner for about 11 years. On 18.02.2025, based on a sting operation, respondent No.2 sealed all three sonography machines at the petitioner's hospital. On the same day, respondent No.2 seized Form F records, registers maintained under the PC & PNDT Act, OPD register, CCTV footage and Form B. By communication dated 18.02.2025, the petitioner was called upon to give an explanation as to why his PC & PNDT registration should not be suspended or cancelled. By order dated 24.03.2025, respondent No. 2 suspended the petitioner's registration under the PC & PNDT Act till further orders and rejected his request for restoration of registration and desealing of the sonography machines. The petitioner filed Appeal before the State Appropriate Authority, Gandhinagar, against the said order. By order dated 31.07.2025, the State Appropriate Authority rejected the appeal and upheld the order dated 24.03.2025. Aggrieved by the appellate order dated 31.07.2025 and the original suspension order, the petitioner has filed the present Special Civil Application.

3. Learned counsel for the petitioner submits that the entire action suffers from violation of principles of natural justice and non-application of mind. Though the State Appropriate Authority claims to have verified the statement of the decoy patient, no copy of the statement was ever supplied to the petitioner nor does the appellate order disclose what was verified, how, when, or in whose presence. No rojkam, panchnama or list of seized articles was provided to the petitioner despite specific demand and the sealing of machines and suspension of registration were

carried out without furnishing the documents relied upon. It is submitted that the allegation of sex determination was disclosed for the first time only during the appeal through written remarks and was never part of the original notice or action. He further submitted that the allegation regarding non-entry in the PC & PNDT register is unsustainable as no time limit is prescribed, no prejudice to the object of the Act is shown and the petitioner had explained that the patient was an emergency case. No effort was made to retrieve data from the machines though the same could have been copied and prolonged sealing has adversely affected the patients of the petitioner. The allegations of demand and receipt of Rs.25,000 is also wholly unsupported, as there is no evidence of any demand or payment, disclosure or recovery of pre-noted currency notes from the petitioner. None of the alleged amount is recovered from the petitioner. The learned counsel submits that though audio-video recording is claimed, it was never supplied to the petitioner or relied upon by the authority and the appellate order does not reveal that it was ever examined or that the statutory lapses by the District Authority were considered. He submits that no sonography of the decoy patient was conducted and several findings in the appellate order are contrary to the record. He, therefore, submits that there is no breach of Sections 4(3), 5, 6 of the PC & PNDT Act or Rules 9(1) and 9(4), and the petitioner had no ill intention, as the decoy patient's name was duly entered in the OPD register which now in custody of the authorities. Learned counsel submits that the Special Civil Application be allowed.

4. *Per Contra*, learned counsel for the respondent No. 2

submits that the petitioner's registration under the PC & PNDT Act, is valid till 10.09.2028. That a sting operation came to be conducted on 18.02.2025 at Laxmi Women's Hospital. A prior panchnama was drawn and the statement of the decoy patient, Jhala Kanakba Ranvirsinh, was also recorded. It is submitted that the petitioner performed sonography on the decoy patient, which was audio-visually recorded, and as per the decoy patient's statement and the accompanying witness Kusumben M. Patel, the petitioner demanded Rs.25,000 for disclosure of the sex of the foetus and directed that the amount be deposited with one Jigarbhai Patel at Roshni Medical Store, which was accordingly done. It is further submitted that while performing the sonography, the petitioner failed to fill mandatory Form "F" and Form "G", thereby violating Sections 4(3), 5 and 6 of the Act and Rule 9(1) and 9(4) of the Rules. A show cause notice under Section 20(1) of the Act was issued, the petitioner's reply was considered by the Advisory Committee, and on its recommendation legal action was initiated, leading to cancellation of registration by order dated 24.03.2025. The appeal filed by the petitioner was also duly considered and rejected by the State Appropriate Authority on 31.07.2025, which has confirmed the findings regarding demand of Rs.25,000 and violation of statutory provisions. It is also submitted that pursuant to the sting operation, Criminal Case No. 64/2025 has been lodged against the petitioner and Jigarbhai Patel, which is pending adjudication, and therefore the sealed sonography machines cannot be released as they are muddamal in the criminal case. The learned counsel further submits that the audio-video recording and its transcript clearly

establishes the demand and payment of Rs.25,000 for sex determination, and the impugned orders are reasoned, lawful, and confirmed by the appellate authority. Hence, for violation of mandatory provisions of the PC & PNDT Act, the cancellation of registration is justified, and the petition deserves to be dismissed.

5. The learned counsel for the petitioner submits in rejoinder that the search and seizure were not carried out in accordance with the mandatory statutory provisions of Section 30 and Rules 12 and 18A(3)(iv) of the Act. The communication issued by respondent No.2 merely called upon the petitioner to remain present to give an explanation as to why the registration should not be suspended or revoked, without disclosing any reason for initiation of such action. It is further submitted that it does not emerge from the order of the State Appropriate Authority that it had even examined the alleged audio-video recording to conclude that sonography of the decoy patient, Zala Kanakba, was conducted. He further submits that no independent witnesses were associated as required under Rule 12(1) and Rule 18A(3)(iv). He submits that no statement or signature of the medical personnel, who are the proposed accused, was taken, and even the statement of the pregnant lady was neither recorded nor produced in accordance with the standard operating guidelines to substantiate any allegation of sex determination, disclosure of the sex of the foetus or demand thereof. The petitioner places reliance on the judgment of *M. Ahamedkutty v. Union of India* - (1990) 2 SCC 1, wherein it was held that a detenu has a right to be furnished with the grounds of detention along with all

documents referred to or relied upon in support of such detention. And any failure or even delay in supplying these documents would amount to denial of the detenu's right to make an effective representation.

6. Heard learned counsels for the parties, perused the documents and considered the submissions.

7. The Appropriate Authority under the PC & PNDT Act and the Chief District Health Officer, Sabarkantha District Panchayat, Himmatnagar, held that a sting/decoy operation conducted on 18.02.2025 at Lakshmi Women's Hospital revealed violations of Sections 4(3), 5 and 6 of the PC & PNDT Act and Rules 9(1) and 9(4), including taking money for sonography, pursuant to which three sonography machines were sealed and a notice was issued; after considering the explanation submitted by the hospital, the District Advisory Committee, in its meeting dated 28.02.2025, rejected the explanation of the petitioner and resolved to take action under the Act. A criminal complaint was thereafter also filed before the Chief Judicial Magistrate, Idar on 11.03.2025 and consequently the sonography machine registration bearing No. GJ14000155GC/2013 was cancelled under the PC & PNDT Act until further orders.

8. The State Appropriate Authority under the PC & PNDT Act, Health and Family Welfare Department, Government of Gujarat, held that the District Appropriate Authority had duly issued notice and afforded an opportunity of hearing to the appellant, that non-filing of Form F is not a minor or clerical lapse even in cases of alleged emergency. That the statements of the decoy

pregnant woman and supporting material showed demand and acceptance of money for sex determination and that the appellant had failed to maintain mandatory records in violation of Sections 4(3), 5 and 6 and Rules 9(1) and 9(4) of the PC & PNDT Act. Consequently, finding no infirmity in the action taken and noting that a criminal case was already pending before the Chief Judicial Magistrate, Idar, the State Appropriate Authority has rejected the appeal and upheld the order dated 24.03.2025 passed by the District Appropriate Authority cancelling the sonography registration, subject to the outcome of the court proceedings.

9. No error can be attributed to the findings arrived at by the Authorities below. The petitioner has been trapped in a planned sting operation. The actions taken by the District Authority is in accordance with law.

10. In view of the foregoing discussion and having found no illegality, arbitrariness or violation of principles of natural justice in the orders dated 24.03.2025 passed by the District Appropriate Authority and 31.07.2025 passed by the State Appropriate Authority, the present Special Civil Application is devoid of merits and is hereby dismissed. No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAUSHIKKUMAR DINESHCHANDRA CHAUHAN(HC00197), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/02/2026 11:05:06