



CNR: KAHC010143442022

NC: 2026:KHC:40579
WP No. 6866 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 6866 OF 2022 (GM-RES)

BETWEEN:

SRI. SRINIVASA C.P,
S/O PERISWAMY
AGED ABOUT 48 YEARS
OCCUPATION: B.I.A.M.S
RAGHAVENDRA CLINIC, ADIVALA
J.J. HALLI HOBLI, HIRIYUR TALUK,
CHITRADURGA DISTRICT - 577 501.

...PETITIONER

(BY SRI. MADHUKAR NADIG, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY IT'S SECRETARY TO GOVERNMENT
DEPARTMENT OF HEALTH AND FAMILY
WELFARE SERVICES, 1ST FLOOR
VIKASA SOUDHA,
BENGALURU - 560 001.
2. THE DISTRICT HEALTH AND FAMILY WELFARE
OFFICER AND THE MEMBER SECRETARY KPME ACT,
CHITRADURGA DISTRICT
CHITRADURGA - 577 501.
3. THE CHEIF EXECUTIVE OFFICER
ZILLA PANCHAYATH

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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CHITRADURGA DISTRICT
CHITRADURGA - 577 501.

4. THE TAHSILDAR
HIRIYUR TALUK OFFICE
HIRIYUR, CHITRADURGA DISTRICT - 577 501.

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR, HCGP FOR R1, R2 AND R4)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS NOT TO INTERFERE IN PETITIONER PRACTICE AT HIS MEDICAL ESTABLISHMENT UNLESS HIS APPLICATION DTD 25.02.2010 FILED SEEKING FOR REGISTRATION IS CONSIDERED AS PER KARNATAKA MEDICAL ESTABLISHMENT ACT 2007 VIDE ANENXURE-C IN ACCORDANCE WITH LAW AFTER GIVING SUFFICIENT NOTICE AND OPPORTUNITY TO PRODUCE THE RELEVANT DOCUMENTS AND PERSONAL HEARING OF THE PETITIONER BY THE APPROPRIATE AUTHORITY IN THIS REGARD AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioner, who claimed to have obtained a certificate qualifying to practice in Indo-Allopathy System of



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Medicine from the Indian Board of Alternative Medicines, constituted under the Government of West Bengal Act, XXVI of 1961 is before this Court seeking following reliefs:

" A) Issue a writ in the nature of Mandamus directing the respondents not to interfere in petitioner practice at his medical establishment unless his application dated 25.02.2010 filed seeking for registration is considered as per Karnataka Medical establishment Act, 2007 vide Annexure-C in accordance with law after giving sufficient notice and opportunity to produce the relevant documents and personal hearing of the petitioner by the Appropriate Authority in this regard, in the interest of Justice and equity.

B) Issue necessary directions to the respondents in this regard, if deems fit according to facts and circumstances."

2. Learned counsel for the petitioner submits that, initially after obtaining the aforesaid certificate, he was practicing in Indian system of Alternative Medicine at Chitradurga. That the Government of Karnataka had published the Karnataka Private Medical Establishment Act, 2007, (for short 'the Act, 2007) which required obtaining registration under the said Act. Accordingly, petitioner on 25.02.2010 made an application, seeking registration of his name and had also paid requisite fee of ₹500/-. However, no action has been taken by the respondent-Authorities about the application so filed. Petitioner had followed up with the respondent-Authorities. However,



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respondent No.4 closed down the clinic of the petitioner, without any enquiry or opportunity on the premise of petitioner not furnishing the registration certificate under the Act, 2007. A recommendation is also made by respondent No.4 to respondent No.1 to take action against the petitioner. In furtherance to which, a notice dated 28.05.2021 has been issued by respondent No.2, calling upon the petitioner to produce registration certificate as per the Act, 2007 within 7 days, failing which, action under the said Act would be taken. Petitioner had submitted the reply on 01.07.2021. Since there has been no order either accepting or rejecting the application made by the petitioner for registration, and in the light of action sought to be initiated against the petitioner, petitioner is before this Court seeking the aforesaid reliefs.

3. Learned counsel for the petitioner submits that, since the application filed by the petitioner, seeking his registration under the Act, 2007 has not been considered, the same shall be deemed to have been accepted. Nonetheless, he



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submits that the respondent-Authority be issued direction not to interfere with the practice of petitioner, till his application seeking registration is considered in accordance with law.

4. Learned HCGP, on the other hand, submits that the Act, 2007 lays down several qualification and eligibility criteria to be fulfilled by the petitioner for the purpose of registration. If the petitioner furnishes the document to the satisfaction of the authority, his application for registration would be considered in accordance with law. The notice at Annexure-F is only in furtherance to calling upon the petitioner to furnish the documents. However, he submitted that until and unless petitioner is registered, he cannot be permitted to practice.
5. Heard and perused the records.
6. The petitioner claims to have made an application as far back as on 25.02.2010, seeking registration of his name for alternate medical practice under the provisions of the Act, 2007. The said application has not been considered till date. However, by notice dated 28.05.2021, produced



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at Annexure-F, the District Health and Family Welfare Officer has called upon the petitioner to furnish the documents of his qualification and the certificates.

7. In the aforesaid facts and circumstances, the notice dated 28.05.2021 issued at Annexure-F shall be construed as notice issued in furtherance to the application filed by the petitioner for registration of his clinic.
8. The petitioner shall furnish documents called for by the respondent-Authorities within 30 days from the date of receipt of certified copy of this order. The respondent-Authority shall after considering the same pass appropriate order one way or the other, in accordance with law and shall communicate the same to the petitioner within 3 months from the date of submission of the such documents.
9. Accordingly, petition is ***disposed of.***

Sd/-
(M.G.S. KAMAL)
JUDGE