

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 1230 of 2015 (C)

PETITIONER(S):

**DR.K.G. BABU SUDHEENDRANATH, AGED 62 YEARS,
S/O K.K. GANGADHARAN, KATTUKANDY HOUSE,
1ST AVENUE, CIVIL LANE, AYYANTHOLE P.O.,
THRISSUR-680 003.**

**BY ADVS.SRI.K.D.BABU
SRI.G.SANTHOSH KUMAR (P).**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. COMMISSIONER OF POLICE,
THRISSUR - 680 012.**
- 3. INSPECTOR GENERAL OF POLICE,
THRISSUR - 680012.**
- 4. SUB INSPECTOR OF POLICE,
WEST POLICE STATION AYYANTHOLE, THRISSUR - 680 012.**
- 5. THE TRAVANCORE COCHIN MEDICAL COUNCIL
FOR INDIAN SYSTEMS OF MEDICINE,
REPRESENTED BY ITS REGISTRAR, RED CROSS ROAD,
THIRUVANANTHAPURAM - 695 001.**
- 6. T.K.VASU, THEKKUTTE HOUSE,
PULLAZHY P.O., OLARIKKARA,
THRISSUR - 680 012.**

**R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R5 BY ADV. SRI.N.RAGHURAJ, SC
R6 BY ADVS. SRI.K.S.MADHUSOODANAN
SRI.THOMAS CHAZHUKKARAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE DIPLOMA CERTIFICATE OF THE PETITIONER
ISSUED BY THE GOVERNMENT AYURVEDA COLLEGE DATED 29.11.1980.**

**EXHIBIT P2: TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE
PETITIONER ON 22.11.1980 BY THE TRAVANCORE-COCHIN MEDICAL
COUNCIL.**

**EXHIBIT P3: TRUE COPY OF THE LICENCE DATED 05.08.2014 ISSUED BY THE
THRISSUR CORPORATION WITH ENGLISH TRANSLATION.**

**EXHIBIT P4: TRUE COPY OF THE COMPLAINT DATED 05.01.2015 PREFERRED
BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE COMPLAINT DATED 05.01.2015 PREFERRED
BEFORE THE 3RD RESPONDENT.**

**EXHIBIT P6: TRUE COPY OF THE JUDGMENT DTD.9.11.2010 IN CC.NO.806/2007 OF
THE JUDICIAL FIRST CLASS MAGISTRATE-II.**

**EXHIBIT P7: TRUE COPY OF THE ORDER DTD.26.8.2013 IN WP(C) NO.14087/2013
BEFORE THIS HON'BLE COURT.**

**EXHIBIT P8: TRUE COPY OF THE DISCHARGE SUMMARY CERTIFICATE
DATED 30.10.2011.**

RESPONDENT(S)' EXHIBITS:

**EXT.R6(a): PHOTOCOPY OF THE COMPLAINT DTD.28.3.2007 TO P.J.C.L. STATE
COMMITTEE BY JISHA.**

EXT.R6(aa): TRUE ENGLISH TRANSLATION OF EXT.R6(a).

EXT.R6(b): PHOTOCOPY OF THE FIR IN CRIME NO.124/2007 DTD.29.3.2007.

EXT.R6(bb): TRUE ENGLISH TRANSLATION OF EXT.R6(b).

**EXT.R6(c): PHOTOCOPY OF THE PRINT OUT DTD.11.4.2009 FROM WEB SITE OF
PETITIONER.**

EXT.R6(cc): TRUE ENGLISH TRANSLATION OF EXT.R6(c).

**EXT.R6(d): PHOTOCOPY OF THE LETTER OF DISTRICT MEDICAL OFFICER, INDIAN
SYSTEM OF MEDICINE, THRISSUR TO DIRECTOR, IINDIAN SYSTEM OF
MEDICINE, THIRUVANANTHAPURAM DTD.5.12.2012.**

EXT.R6(dd): TRUE ENGLISH TRANSLATION OF EXT.R6(d).

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**EXT.R6(e): PHOTOCOPY OF THE ORDER DTD.17.6.2013 IN HRMP NO.6661/12 OF
KERALA STATE HUMAN RIGHTS COMMISSION.**

EXT.R6(ee): TRUE ENGLISH TRANSLATION OF EXT.R6(e).

**EXT.R6(f): PHOTOCOPY OF THE REPORT CITY POLICE COMMISSIONER, TRISSUR TO
DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM BEARING
NO.D1/22371/13/RC DATED 20.7.2013.**

EXT.R6(ff): TRUE ENGLISH TRANSLATION OF EXT.R6(f).

//TRUE COPY//

P.S. TO JUDGE

Msv/

**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.1230 of 2015

Dated this the 17th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner, claiming to be a Diploma holder in Ayurveda (B.A.M) and a recognised medical practitioner, has approached this Court seeking police protection. It is inter alia contended that the 6th respondent along with certain persons are creating obstructions in the functioning of his clinic. Though he has given complaints to the police, so far no action has been taken in the matter.

2. Counter affidavit has been filed by the 6th respondent inter alia stating that the petitioner is advertising treatment for cerebral palsy and is receiving huge amounts as fee from patients. Several cases had been registered against the petitioner which are pending trial. According to the 6th respondent, he has only helped certain persons in ventilating their grievance with regard to the

allegations made against the petitioner and that he has not physically obstructed the petitioner in any manner.

3. The learned Government Pleader, on instructions, would submit that the police had registered certain cases against the petitioner which is pending consideration. No threat, as alleged, has been made by any person.

4. Having regard to the aforesaid submissions, we do not think that it is a case in which an order, as prayed for, can be granted. If any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With these observations, this writ petition is disposed of.

**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(A.M.SHAFFIQUE, JUDGE)

jsr

