

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No.3389 of 2015 (W)

PETITIONER:

***P.A.JAYAVALLABHAN,S/O.ARAVINDAKSHA MENON,
AGED 60 YEARS,RESIDING AT 61,4TH STREET,
RAM NAGAR,POONKUNNAM,THRISSUR-680004.**

***NAME IS CORRECTED AS T.A.JAYAALLABHAN, AS PER ORDER ON I.A
NO.2237/2015 DATED 13.2.2015)**

BY ADV. SRI.T.K.VENUGOPALAN

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
THE GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF HOMOEOPATHY,
KERALA,THIRUVANANTHAPURAM-695001.**
- 3. THE DISTRICT MEDICAL OFFICER OF HOMOEOPATHY,
LALOOR,THRISSUR-680001.**

***ADDITIONAL 4TH RESPONDENT IMPLEADED**

**ADDL.R4.THE REGISTRAR,TRAVANCORE COCHIN COUNCIL OF HOMEOPATHIC
MEDICINE,RED CROSS ROAD,THIRUVANANTHAPURAM-695037.**

***ADDITIONAL 4TH RESPONDENT IMPLEADED AS PER ORDER
DATED 13.2.2015 IN IA. NO.2237/2015 IN W.P.(C) NO.3389/2015.**

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.3389 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT. P1:TRUE COPY OF THE JUDGMENT DT.23-6-2005 OF THIS HONOURABLE
COURT IN OP NO.2875/2003.**

**EXT. P2:TRUE COPY OF THE COMMON JUDGMENT DT.9-3-2006 IN WA 804/1998
805/1998 AND WA 481/2006.**

**EXT. P3:TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE
TAMILNADU HOMEOPATHY MEDICAL COUNCIL.**

**EXT. P4:TRUE COPY OF THE REPRESENTATION DT.2-4-2005 FROM THE
HOMEOPATHIC MEDICAL ASSOCIATION TO THE HONOURABLE CHIEF
MINISTER,GOVERNMENT OF KERALA.**

**EXT. P5:TRUE COPY OF THE LETTER DT.15-7-2008 ISSUED BY THE
ADDL.DIRECTOR GENERAL OF POLICE TO SMT.J SHEELA DEVI.**

**EXT.P6:TRUE COPY OF REPRESENTATION DATED 4.2.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.3389 OF 2015
.....

Dated this the 13th February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers :

"a). issue a writ of mandamus or any other appropriate writ, order or direction that the petitioner is entitled to practice in Homeopathy in the State until a new legislation is enacted by the State to regulate the Practice of Provisions in various system of Medicine like Ayurveda, Unani, Sidha, Homeopathy etc in the State;

b) issue a writ of mandamus or other appropriate writ, order or direction directing the 3rd respondent not to initiate any steps to curtail the practice in homeopathic system of medicine of the petitioner in Thrissur District

bb) Issue a direction to the 1st respondent to consider and pass appropriate orders on Exhibit P6 representation submitted by the petitioner.

c) be further pleased to issue such other writ, order or direction as are necessary in the nature of the case and in the interest of justice "

2. Heard the learned Government Pleader as well.

3. By virtue of enabling provisions and various orders/circulars issued by the Government the power to grant

exemption under Section 38 stands exclusively vested with the first respondent/State. Ext.P6 is the representation filed before the 1st respondent/State.

4. This Court does not find it necessary to adjudicate the issue on merits, since it is upto the Government to consider and pass orders on Ext.P6 representation. Accordingly, the writ petition is disposed of, directing the first respondent/State to consider and pass appropriate orders on Ext. P6, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy this judgment. 'Status quo' shall be maintained till such time.

Petitioner shall produce a copy of this judgment along with a copy of the writ petition, before the first respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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