

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

W.P(C).No. 18961 of 2012 (U)

PETITIONER(S):

C.G.SUNDARA DAS, AGED 63 YEARS,
S/O. ANANDA VILASOM, AVALOOKUNNU P.O.,
ALAPPUZHA DISTRICT.

BY ADVS. SRI. S. SANAL KUMAR
SMT. BHAVANA VELAYUDHAN
SMT. T.J. SEEMA

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE CIRCLE INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION,
ALAPPUZHA-688 523.

BY SENIOR GOVERNMENT PLEADER, SRI. S. ABDUL SALAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

W.P.(C) NO.18961 OF 2012

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF THE CERTIFICATE ISSUED BY THE COUNCIL OF ALTERNATIVE SYSTEMS OF MEDICINE DATED 03.08.1987.

EXHIBIT P2: COPY OF THE CERTIFICATE ISSUED BY THE COUNCIL OF ALTERNATIVE SYSTEMS OF MEDICINE DATED 01.04.2007.

EXHIBIT P3: COPY OF THE IDENTITY CARD ISSUED BY THE REGISTRAR OF COUNCIL OF ALTERNATIVE SYSTEMS OF MEDICINE.

EXHIBIT P4: COPY OF THE ORDER OF THIS HONOURABLE COURT IN CRIMINAL M.C. NO.949 OF 1998 DATED 24.05.1999.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

SHAJI P. CHALY, J.

W.P.(C) No.18961 of 2012

Dated this the 8th day of October, 2015

JUDGMENT

This writ petition is filed by the petitioner seeking to declare that the petitioner is entitled to practise Alternative Systems of Medicine as per Exts.P1 and P2 registration certificates and also to issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents not to interfere with the practise of the profession of the petitioner as Doctor as per Exts.P1 and P2 registration certificates.

2. Brief facts required for the disposal of the writ petition are as follows:

3. Petitioner herein is a Doctor by profession and is practising Alternative Systems of Medicine. It is contended by the petitioner that he is fully qualified to practise the said system of Medicine and he has been conferred with certificate of registration from the Council of Alternative System of Medicine, West Bengal. To substantiate the same, petitioner

has produced the copies of the certificate issued by the said authority. Ext.P3 is the identity card issued by the Registrar, Council of Alternative Systems of Medicine.

4. It is the further contention of the petitioner that after securing certificate by undergoing the course prescribed by the Council, he started his practise as Doctor at Chettikadu, near Mararikulam and is having substantial practise in the said system of Medicine. The grievance voiced by the petitioner in this writ petition is that off and on raid is being conducted by the authorities under the 1st Respondent which causes immense harassment and inconvenience to the petitioner to carry on with his practise peacefully. It is in this background, the writ petition is filed.

5. I have heard the learned counsel for the petitioner Sri. S. Sanal Kumar and the learned Senior Government Pleader, Sri. S. Abdul Salam.

6. Having considered the contentions raised in the writ petition, perusing the records and appreciating the rival submissions made at the Bar, I am of the considered opinion that petitioner has not made out any circumstances interfering with his practise as per Exts.P1 and P2 in order to seek a

declaration which is sought for as the second relief. If the petitioner is entitled to practise as per Exts.P1 and P2 certificates, I do not find any reason for interference of any of the Respondents, especially if the petitioner is carrying on his profession in accordance with law. But, at the same time, the Respondents are duty bound to take action if he indulges in any illegal activity under the cover of Exts.P1 and P2. That apart, Respondents on mere surmises and baseless allegations are also not entitled to interfere with the peaceful and legal practise carried on by the petitioner.

7. Even though I find that petitioner is not entitled to get the relief of declaration sought for, I am sure that the 1st Respondent will not unnecessarily interfere with the practise of the petitioner in accordance with law.

The writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-
08.10.2015