IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 24137 of 2015 (N)

PETITIONER(S) :

TESLA THOMAS, AGED 37 YEARS,
(TRADITIONAL HOMEOPATHIC MEDICAL PRACTITIONER), S/O.THOMAS,
THEKKANKATTIL HOUSE, POLLATHAI P.O.,
KAVALOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT, PIN-688 567.

BY ADVS.SRI.SHOBY K.FRANCIS
SMT.MISHAL M.DASAN

RESPONDENT(S) :

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1. **STATE OF KERALA,**
   REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. **STATE POLICE CHIEF,**
   POLICE HEAD QUARTERS, TRIVANDRUM-695 001.

3. **DIRECTOR OF HOMEOPATHY MEDICINES,**
   DIRECTORATE OF HOMEOPATHY, EAST FORT,
   THIRUVANANTHAPURAM-695 001.

4. **DIRECTOR OF HEALTH,**
   OFFICE OF THE DIRECTOR OF HEALTH,
   THIRUVANANTHAPURAM-695 001.

5. **DISTRICT MEDICAL OFFICER OF HOMEOPATHY,**
   OFFICE OF THE DMO HOMEOPATHY, FATHIMA COMPLEX,
   FIRST FLOOR, EAST OF POWER HOUSE,
   ALAPPUZHA NORTH P.O-688 007.

6. **DISTRICT POLICE CHIEF,**
   OFFICE OF THE SUPERINTENDENT OF POLICE,
   ALAPPUZHA P.O.-688 012.

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7. SUB INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
ALAPPUZHA DISTRICT-688 012.

*** ADDITIONAL R8 IMPLEADED**

8. SECRETARY TO AYUSH,
DEPARTMENT OF INDIGENOUS MEDICINES (ISM & H/AYUSH),
ROOM NO.SBT-7, 4TH FLOOR, SOUTH BLOCK SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

*** ADDITIONAL R8 IS IMPLEADED AS PER ORDER DATED 01.09.2015 IN I.A.NO.12243 OF 2015.**

R1 TO R7 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 24137 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1: **TRUE COPY OF THE MEMBERSHIP CERTIFICATE DATED 01.04.2007**

EXT.P2: **TRUE COPY OF THE IDENTITY CARD ISSUED BY THE ASSOCIATION DATED 01.04.2007.**

EXT.P3: **TRUE COPY OF THE CERTIFICATE DATED 18.08.2014 ISSUED BY THE ASSOCIATION TO THE PETITIONER.**

EXT.P4: **TRUE COPY OF THE JUDGMENT IN W.A NO.805/1998 DATED 09.03.2006.**

EXT.P5: **TRUE COPY OF THE GO(MS) NO.145/09 H & FW DEPARTMENT DATED 04.06.2009 ISSUED BY THE GOVERNMENT.**

EXT.P6: **TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE SOCIETY DATED 13.02.2015.**

EXT.P7: **TRUE COPY OF THE ORDER IN CRL.MA.NO.10520/2014 IN CRL.M.C.NO.6440/2014 DATED 14.11.2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 24137 of 2015

Dated this the 28th day of October, 2015

J U D G M E N T

Petitioner claims that he is a traditionally qualified Medical Practitioner in Homeopathy as per Schedule 3 of Section 15(1) and (3) of Homeopathy Central Council Act,1973. Petitioner submits that he started Homeopathy practice since 1998.

2. Petitioner approached this Court on account of interference by the seventh respondent in Homeopathy practice. It is also submitted that a crime has been registered against the petitioner.

3. This Court is of the view that the additional eighth respondent shall verify whether the petitioner is entitled to practise Homeopathy, considering the qualification and other relevant matters. Therefore, this writ petition is disposed of with the following directions:-

(i) Petitioner shall make a representation before the additional eighth respondent.

(ii) This shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

(iii) Thereafter, the eighth respondent shall take appropriate decision in the matter within a period of two months, after notice to the petitioner.

A.MUHAMED MUSTAQUE,
Judge

MBS/