

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27751 of 2014

R.Gananathan

...Petitioner

vs.

1. The Director of Medical Service,
DMS complex Teynampet Chennai-6.
2. The Joint Director of Health Service,
Head Quarters Hospital, Oottacamund
The Nilgiris
- 3 The District Superintendent of Police
Nilgiris District, Oottacamund, The Nilgiris
- 4 The Collector of Nilgiris
Collector Office, Oottacamund
The Nilgiris
- 5 Mr.K.Sridharan Nair

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the 2nd respondent to conduct proper enquiry into the 5th respondent's qualification and advise him to show his qualification and registration details to the public for avoiding the doubt about the 5th respondent's qualification.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.S.Gunasekaran,
Government Advocate for R1 to R4
Mr.R.Ezhilarasan for R5

O R D E R

Heard Mr.M.Chidambaram, learned counsel for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 to 4 and Mr.R.Ezhilarasan, learned counsel appearing for the fifth respondent and perused the materials placed on record.

2. The petitioner seeks for issuance of a Writ of Mandamus directing the 2nd respondent to conduct proper enquiry into the 5th respondent's qualification and advise him to show his qualification and registration details to the public for avoiding the doubt about the 5th respondent's qualification.

3. According to the petitioner, the 5th respondent is not a registered Medical practitioner but he is practicing Medicine and the petitioner was greatly affected when he went for treatment to the 5th respondent. The petitioner would submit that the area where he is residing is very remote village and mostly consisting of illiterate people, who belongs to the Tribal Community. On account of illegal treatment, which is meted out by the 5th respondent, their lives are in danger.

4. Based on the complaint, it appears that the Sub Inspector of Police, Erumad Police Station has taken certain action and, therefore, the 5th respondent has approached this Court by filing CrI.O.P.No.21837 of 2013. The said CrI.O.P.No.21837 of 2013 was disposed of with a direction to the 5th respondent to co-operate with the enquiry and the Sub Inspector of Police, Erumad Police Station, Gudalur Taluk, Nilgiris District, was also directed to conduct an enquiry strictly in accordance with law, without giving any harassment to the 5th respondent.

5. The grievance of the petitioner is that in spite of such a direction given by this Court in Criminal Original petition filed by the 5th respondent, the Police has not taken any action.

6. In the light of the above, the fourth respondent is directed to consider the grievance of the petitioner and nominate an officer to ascertain the correctness of the allegations made and initiate appropriate action in accordance with law, as expeditiously as possible.

7. The petitioner is directed to forward a copy of the earlier representations/complaints as well as the order dated 29.8.2013 passed by this Court in CrI.O.P.No.21837 of 2013 to the 4th respondent

so as to enable him to comply with the above direction.

With the above observation and direction, the Writ Petition is disposed of No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Medical Education DMS complex Teynampet Chennai-6.
2. The Joint Director of Health Service Head Quarters Hospital Oottacamund The Nilgiris
- 3 The District Superintendent of Police Nilgiris District Oottacamund The Nilgiris
- 4 The Collector of Nilgiris Collector Office Oottacamund The Nilgiris

1 CC to Mr.M.Chidambaram, Advocate SR.No. 17476

1 CC to the Government Pleader, SR.No. 17627

W.P.No.27751 of 2014

VSN (CO)
PSI (07.04.2015)

WEB COPY