

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.25080 of 2012

Tamil Nadu Government Registered
Medical Practitioners Welfare Association
[AYUSH], rep. by its President
Dr.T.Selvaraj

...Petitioner

vs.

1. The Secretary,
Dept. of Health,
Indian Medicine and Homeopathy
and Family Welfare Dept.,
Fort St. George, Chennai-9.
2. State of Tamil Nadu,
rep. by Special Secretary,
Home Dept.,
Fort St. George, Chennai-9.
3. The Director General of Police,
Madras-4.
4. The Superintendent of Police,
Nagapattinam Dist.
5. The Superintendent of Police,
Tiruvarur Dist.
6. The Superintendent of Police,
Vellore Dist.

...Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents not to take any penal action against the members of the petitioner association, except complaint from the competent persons under the provisions of Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Act and Tamil Nadu Council of Indian

Medicine to enable the members of the petitioner association, to practice in the system of Homeopathy and Siddha medicine without any interruption from respondents 2 to 6.

For petitioner : Mr.K.Sellathurai

For respondents : Mr.R.Ravichandran, AGP.

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed by the President of the Tamil Nadu Government Registered Medical Practitioners Welfare Association [AYUSH], praying that this Court may be pleased to issue a Writ of Mandamus, to direct the respondents not to take any penal action against the members of the petitioner-Association, except by following the due process of law.

3. It has been stated that the members of the petitioner-Association, who are 258 in number, are having valid Certificates, issued by the competent authorities concerned, to practice Ayurvedic/Siddha medicines. They are practicing in various districts, including Nagapattinam, Thiruvavur, and Vellore. It has also been stated that the members of the petitioner-Association are conscious about their qualifications and they are not prescribing any allopathic medicines, except the medicines, which are permitted for the purpose of giving First Aid to the people, who are involved in accidents. There are nearly 30,000 Homeopathy and Siddha Practitioners in the State of Tamil Nadu and a substantial number of them are practicing in the rural areas, rendering help to the villagers. However, false complaints were made against the members of the petitioner-Association, by the Doctors, who are practicing Allopathy medicine. Based on those complaints, the Police personnel are harassing the members of the petitioner-Association. Hence, the petitioner-Association has filed the present Writ Petition before this Court, under Article 226 of the Constitution of India.

4. The learned counsel appearing on behalf of the respondents, besides generally denying the allegations made by the petitioner-Association, had specifically submitted that certain complaints had been registered against a few practitioners of Homeopathy, as they had been administering allopathy medicines for certain patients. Based on such complaints, investigation had been initiated by the police concerned. The learned counsel had also submitted that the

present Writ Petition has been filed seeking an omnibus relief, which cannot be granted by this Court, by way of issuing a Writ of Mandamus, under Article 226 of the Constitution of India.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, and on a perusal of the records available, this Court is of the considered view that the relief prayed for, by the petitioner-Association, in the present Writ Petition, cannot be granted, invoking its writ jurisdiction, under Article 226 of the Constitution of India, as the relief prayed for, is of an omnibus nature. Even otherwise, it is for the members of the petitioner-Association to defend themselves against the false and malicious complaints filed against them, in individual cases, before the appropriate forum, in the manner known to law. As such, as the Writ Petition is devoid of merits, it stands dismissed, with the above observations. No costs. M.P.No.1 of 2012 is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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Indian Medicine and Homeopathy
and Family Welfare Dept.,
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2. State of Tamil Nadu, सतयमेव जयते
rep. by Special Secretary,
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3. The Director General of Police,
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4. The Superintendent of Police,
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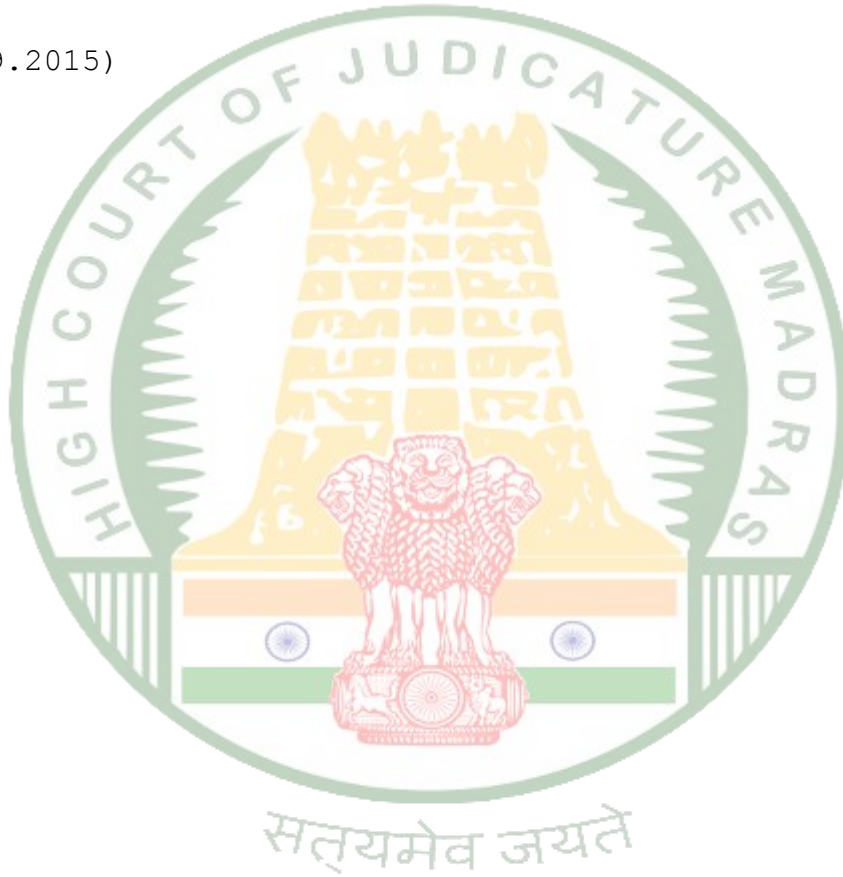
5. The Superintendent of Police,
Tiruvarur Dist.

6. The Superintendent of Police,
Vellore Dist.

1 CC to the Government Pleader, SR.No. 47282

WP 25080 of 2012

KGK (CO)
PSI (22.09.2015)



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