

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27-09-2016

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THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.13974 of 2013

P. Rathinasamy

.. Petitioner

Vs

1.The Superintendent of Police
Dharmapuri District
Dharmapuri.

2.The Inspector of Police
Kariamangalam Police Station
Kariamangalam
Dharmapuri Disrtrict.

... Respondents

Prayer : The writ petition is filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents not to interfere in having the petitioner's is professional work (or) name board, i.e., P.Rathinasamy 4-A, Kil Masjid Street, Dharmapuri, in any manner affecting the petitioner's profession, directly by themselves or through their agents.

For Petitioner

: No appearance

For Respondents

: Mr.V. Jaya Prakash Narayanan
Special Govt. Pleader

O R D E R

Heard the learned counsel, appearing on behalf of the respondents. There is no appearance on behalf of the petitioner.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents not to interfere with the profession of the petitioner, in any manner.

3. The petitioner has stated that he is a Medical Practitioner, who had obtained a certificate, for having undergone a Course of Instructions in "Allopathic System of Elementary Medical Aid" from the Thilaga Medical Institute, Madurai, which is a

registered Institute. He had also qualified the examination, for being appointed to the post of Lab Technician Grade-I and had obtained a certificate from the Medical Department. He is also a member of 'Anubaba Allopathy Maruthuvargal Sangam of India', which is a registered Association.

4. It has also been stated that after his retirement, as a 'Lab Technician', on 31.5.2008, he had been helping his son, who is a registered medical practitioner. They have been doing service to the public at large. There have been no complaints, against the petitioner and his son, till date.

5. While so, the respondents are interfering with the practice being carried on by the petitioner and his son, by asking the petitioner to remove his name, from the name board of the Clinic. As such the respondents are interfering with the fundamental rights of the petitioner and his son, enshrined in the Articles 14, 15, 16 and 19 of the Constitution of India.

6. The learned counsel, appearing on behalf of the respondents had submitted that there had been a specific complaint against the petitioner and his son, stating that the petitioner and his son are carrying on their practice in Allopathy Medicine, even though they are not qualified to do so. A case had been registered against the petitioner based on such complaints. The petitioner had already been arrested and remanded in judicial custody and further course of action is being taken, in accordance with law.

7. In view of the submissions made by the learned counsel, appearing on behalf of the respondents and on a perusal of the records available, it is noted that, it is not in dispute that the petitioner's son is a qualified medical practitioner, in Allopathy Medicine. Since, several complaints had been made against the petitioner, a First Information Report had been registered and based on the investigation conducted by the respondents against the petitioner, the petitioner was arrested and remanded in judicial custody. Further, the respondents are taking necessary and appropriate steps against the petitioner, in accordance with law.

8. In such circumstances, this Court is of the view that the petitioner has failed to show any cause or reason for granting the relief, which is omnibus in nature, as prayed for by the petitioner. Hence, the writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rnb

To

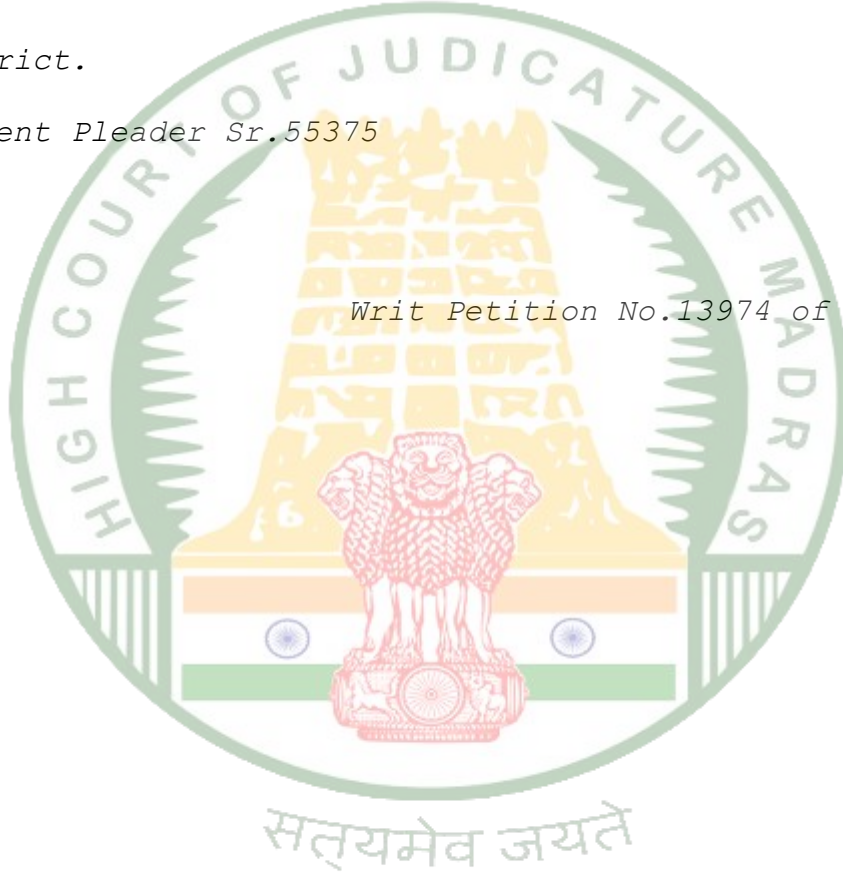
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+1 CC to Government Pleader Sr.55375

CO-TM

ths : 04.11.2016



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