

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.29674 to 29677 of 2016
and W.M.P.Nos.25684 to 25687 of 2016

A.Sanjay Bala	...Petitioner in W.P.No.29674/2016
T.Karunagarah	...Petitioner in W.P.No.29675/2016
B.Lourdu Samy	...Petitioner in W.P.No.29676/2016
H.Hemalatha	...Petitioner in W.P.No.29677/2016

-Vs-

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Govt.,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. By its Commissioner
and Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
- 3.The Director General of Police,
Kamarajar Road,
Mylapore,

Chennai - 600 004.

- 4.The Registrar,
Tamil Nadu Board of Indian Medicine,
Arignar Anna Government Hospital of
Indian Medicine Campus,
Arumbakkam,
Chennai - 600 106.

.. Respondents 1 to 4 in
W.P.Nos.29674 to 29677/2016

- 5.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri. - 635 001.

.. 5th Respondent in
W.P.No.29674/2016

- 6.The Inspector of Police
Mathur Police Station,
Pochampalli Taluk,
Krishnagiri District.

..5th Respondent in
W.P.No.29675/2016

- 7.The Inspector of Police,
HUDCO Police Station,
Hosur - 635 109.

..5th Respondent in
W.P.No.29676 & 29677/2016

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the Director General of Police , Kamarajar Road, Mylapore, Chennai 600 004 namely the 3rd respondent herein from initiating any police action by labelling the petitioner as unqualified as he is a Registered Indian Medical Practitioner and thus ensure the safety of his profession in the field of Indian System of Medicine in Ayurveda and Siddha run in the name and style of Sai Clinic No.5, Thiruvannamalai Road , Krishnagiri 635 001, Velu Clinic, M.S.G. Complex, Krishnagiri Main Road, Mathur, Pochampalli Taluk, Krishnagiri-635 203, Annai Health Care Clinic, N.G.O.S. Colony, 4th Cross, Padmavathi Complex, Bangalore Main Road, Hosur 635 109 and Padmavathi Heal Care Clinic, No.8/18, Chowdeswari, Amman Kovil Street, Newpet, M.G. Road, Hosur - 635 109 respectively.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.V.S.Ramesh,
(In all W.Ps') Government Advocate [R1, R3 & R5]

Mrs.P.Rajalakshmi [R4]

COMMON ORDER

By consent, these Writ Petitions are taken up for final disposal.

2. The petitioners in these writ petitions claim that they have been registered with Tamil Nadu Board of Indian Medicine and also issued with Medical Registration Certificate to practice Ayurveda and the petitioner in W.P.No.29677 of 2016 has also issued with the Certificate by Tamil Nadu Siddha Medical Council, Chennai to practice as a Siddha Medical Practitioner and they are strictly practicing medicines, for which they have been issued with Medical Registration Certificate and the 5th respondent police under the guise of inspection/enquiry, harassing them and preventing them from practicing their lawful profession and hence, they are constrained to file these writ petitions.

3. Mr.D.Ashok Kumar, learned counsel appearing for the petitioners has drawn the attention of this Court to paragraph No.5 of the affidavit filed in support of these writ petitions and would submit that all the petitioners are practicing Siddha medicine only and not practicing Allopathy especially administering injunctions and prescribing Allopathy drugs and therefore, under

the guise of inspection/enquiry, they should not be prevented from practicing Ayurveda and Siddha and the action of the 5th respondent is offenced under Section 19(1) (g) of the Constitution of India and therefore, prays for appropriate orders.

4. The learned counsel appearing for the petitioners has drawn the attention of this Court to the common orders dated 08.11.2011, 21.02.2014 and 26.04.2016 made in W.P.No.20207 of 2011 batch etc., in W.P.No.4961 of 2014 and W.P.No.14602 of 2016 batch etc. respectively, and would submit that in similar facts and circumstances, this Court has passed appropriate orders and prays for similar relief.

5. Per contra, Mr.V.S.Ramesh, learned Government Advocate, who accepts notice on behalf of respondents 1, 3 and 5 as well as Mrs.P.Rajalakshmi, learned counsel, who accepts notice on behalf of the fourth respondent would submit that the petitioners under the guise of practicing Ayurveda and Siddha, also prescribed Allopathy Medicine and administering injunction also which are impermissible and therefore, the 5th respondent is duty bound to prevent the commission of any such kind of offence.

6. This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

7. In the light of the stand taken by the petitioners in paragraph No.5 of the affidavit filed in support of these petitions coupled with the submission made by the learned counsel appearing for the petitioner, this Court makes it clear that as long as the petitioners practicing Ayurveda and Siddha in terms of the Medical Registration Certificate issued to them, the 5th respondent, in all the petitions, shall not interfere with the same and if the said official come across any tenable materials as to the violation of the conditions of registration being committed by the petitioners, he/she is permitted to proceed against them in accordance with law. It is also made clear that the petitioner, except Ayurveda and Siddha, cannot practice any other system of medicine.

8. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

26.08.2016

Index : No
Internet: Yes
vsm

Note: Issue order on 06.09.2016.

To

1. The Secretary,
Govt. of Tamil Nadu,,
Home Department,
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M.SATHYANARAYANAN, J.

vsm

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