

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.654 of 2016, 5453 of 2014
& 24773 of 2014
and M.P.No.1 of 2014
in W.P.No.24773 of 2014

Kothandapani Petitioner/Party-in-person
in all 3 W.Ps

Vs.

The Commissioner,
Indian Medicine and Homoeopathy Department,
Chennai - 600 106. Respondent in W.P.654/2016

- 1.The Director,
Indian System of Medicines,
Arumbakkam, Chennai - 106.
- 2.The District Siddha Medical Officer,
District Siddha Medicine Office,
Trichirapalli,
Trichirapalli District.
- 3.The Inspector of Siddha Medicine,
District Siddha Medicine Office,
Trichirapalli,
Trichirapalli District..... Respondents in W.P.5453/2014

- 1.The Secretary to Government,
Department of Health,
Fort St.George, Chennai.
- 2.The Director / Commissioner,
Indian System of Medicines,
Arumbakkam, Chennai - 106.
- 3.The District Siddha Medical Officer,
District Siddha Medicine Office,
Trichirapalli,
Trichirapalli District.

4.The Inspector of Siddha Medicine,
District Siddha Medicine Office,
Trichirapalli,
Trichirapalli District.

5.M.P.Kumar

6.The Director General of Police,
Chennai.

.. Respondents in W.P.24773/2014

W.P.No.654/2016 filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondent to furnish the copy of the animal test based on the communication dated 07.05.2013 within a time frame.

W.P.No.5453/2014 filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to communicate the result of the animal test conducted on the sample of Siddha Medicine taken by the 3rd respondent herein on 10.06.2009 within a time frame.

W.P.No.24773/2014 filed under Article 226 of Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records in connection with 5th respondent communication in O.M.No.352/2013 dated 22.05.2013 and quash the same and consequently direct the 9th respondent to investigate in this regard and give adequate police protection to the petitioner and his family.

Petitioner :Mr.Kothandapani,
(in all 3 W.Ps) Party-in-person

For Respondents :Mr.P.Sanjay Gandhi,
Additional Government Pleader

C O M M O N O R D E R

The petitioner claims that he belongs to Siddha doctor family and his forefathers practiced Sidhha Medicine for very many years and the petitioner at present is also practicing Siddha Medicine after completing the Course from traditional school/Gurukulam. The petitioner would further state that he developed and invented medicine for treating incurable diseases like Aids and Cancer and out of his continuous research and hard work he developed a medicine compound and tested the same through his relative and he was responding to the treatment and in order to manufacture and market the said product, as per legal mandate, animal testing of the medicine is to be done and accordingly he submitted the samples for experimenting of the same through animals. The petitioner, aggrieved by the rejection of the request for animal test on the ground that necessary laboratory facilities are not available, filed W.P.Nos.5453 of 2014 and 654 of 2016 and pending disposal of those writ petitions, expressed

apprehension that his life is in danger and therefore, filed W.P.No.24773 of 2014 and this Court, in terms of the order dated 12.06.2012 made in Crl.O.P.No.7265 of 2012, directed the Commissioner of Police, Tiruchirapalli to ensure safety of the petitioner.

2. Heard the submissions of the petitioner/party-in-person and Mr.P.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of the official respondents and would submit that the medicine said to have been developed/invented by the petitioner was sent to State Drugs Licensing Authority (Indian Medicine), Chennai -106 and as per the analysis report dated 01.10.2009 Pharmacopoeia specification is not available. The learned Additional Government Pleader would further contend that as and when the petitioner submits sample of the medicine preparation said to have been developed/invented by him, the State Drugs Licensing Authority (Indian Medicine), Chennai-106 would forward the same to (i) National Institute of Siddha, Tambaram, (ii) Siddha Central Research Institute, Arumbakkam, Chennai-600 106 and (iii) Captain Srinivasa Murthy Research Centre for Ayurveda, Arumbakkam, Chennai-600 106.

3. In the light of the above facts and circumstances, these writ petition are disposed of and the State Drug Licensing Authority (Indian Medicine), Chennai-106 is directed to communicate a copy of the analysis report dated 01.10.2009 to the petitioner/party-in-person within a period of two weeks from the date of receipt of a copy of this order. It is also open to the petitioner to submit the required samples of medicinal preparation said to have been developed/invented by him along with mode of preparation to the State Drug Licensing Authority (Indian Medicine), Chennai-106 within a period of two weeks from the date of receipt of a copy of this order and the State Drug Licensing Authority (Indian Medicine), Chennai-106, on receipt of the same, shall forward the same to any one of the above said three laboratories for testing it and as and when the report of the analysis is given to them, they may communicate the said result forthwith, to the petitioner.

4. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Commissioner,
Indian Medicine and Homoeopathy Department,
Chennai - 600 106.
 - 2.The Director / Commissioner,
Indian System of Medicines,
Arumbakkam, Chennai - 106.
 - 3.The District Siddha Medical Officer,
District Siddha Medicine Office,
Trichirapalli, Trichirapalli District.
 - 4.The Inspector of Siddha Medicine,
District Siddha Medicine Office,
Trichirapalli, Trichirapalli District.
 - 5.The Secretary to Government,
Department of Health, Fort St.George, Chennai.
 - 6.The Director General of Police, Chennai.
 - 7.The State Drug Licencing Authority (Indian Medicine)
Arumbakkam, Chennai-600 106.
- 1 cc to Mr.N.Kothandapani, Party in Person, sr.34237

W.P.Nos.654 of 2016, 5453 of 2014
& 24773 of 2014
and M.P.No.1 of 2014
in W.P.No.24773 of 2014

ppa co
kra 20.07.2016

WEB COPY