

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.1706 of 2017

V.Kamaraj

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep by Secretary to Government Home
Department Fort St. George Chennai -
600009.
- 2 The State of Tamil Nadu
Through the Commissioner & Secretary to
Government Health & Family Welfare
Department Fort St. George Chennai-600009
- 3 The Director General of Police
Kamarajar Road Mylapore Chennai-600009.
- 4 The Registrar
Tamil Nadu Siddha Medical Council Arignar
Anna Government Hospital of Indian Medicine
Campus Arumbakkam Chennai-600009
- 5 The Inspector of Police
Kaveripattinam Police Station Krishnagiri
District

... Respondents

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Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus forbearing the Director General of Police, Kamarajar Road, Mylapore, Chennai- 600 004, namely the third respondent herein from initiating any police action by labelling petitioner as unqualified as I am a registered Indian Medical Practitioner and thus ensure the safety of petitioner profession in the field of

Indian System of Medicine in Siddha run in the name and Style of Ambika Siddhaalaya Kaveri Pattinam, Krishnagiri District - 635 206.

For Petitioner : Mr.C.D.Johnson
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, forbearing the third respondent herein from initiating any police action by labelling him as unqualified as he is a registered Indian Medical Practitioner and thus ensure the safety of petitioner's profession in the field of Indian System of Medicine in Siddha run in the name and Style of Ambika Siddhaalaya Kaveri Pattinam, Krishnagiri District - 635 206.

3. It is the case of the petitioner that he is a registered Indian Medical Practitioner in the field of Siddha and as such, he is entitled to practice in the field of Indian System of Medicine. In fact, the practice in the Allopathy is ruled out and hence, the petitioner cannot practice Allopathy because he is not a qualified degree holder in Allopathy. Further, the petitioner has no inclination whatsoever to practice Allopathy. However, the respondents are labelling the petitioner as unqualified and they are threatening legal action, thereby affecting the rights of the petitioner to do his profession in his field, viz., Ayurvedha. Hence, the petition.

4. Learned counsel appearing for the petitioner specifically submitted that the petitioner cannot practice allopathy and he has no inclination whatsoever to practice in allopathic medicine.

5. I have also heard the learned Additional Public Prosecutor appearing for the respondents.

6. Recording the said submission made by the learned counsel appearing for the petitioner, the present writ petition is disposed of, directing the respondents to permit the petitioner to practice in his field, viz, Ayurvedhic medicine alone. So long as the petitioner's practice in the mode of medicine, viz., Ayurvedha, the third respondent and the police officials are restrained from initiating any action against him.

However, it is open to the third respondent or his officials to verify and find out whether the petitioner is practicing in other field, viz., allopathy and if the petitioner is practicing in allopathic field, it is open to the police officials to initiate action against the petitioner in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

- 1 The Secretary to Government Home
Department Fort St. George Chennai -
600009.
- 2 The State of Tamil Nadu
Through the Commissioner & Secretary to
Government Health & Family Welfare
Department Fort St. George Chennai-600009
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- 5 The Inspector of Police
Kaveripattinam Police Station Krishnagiri
District
- 6 The Public Prosecutor
High Court, Madras 600 104

+1cc to Mr.C.D. Johnson, Advocate, S.R.No.4493

ev(CO)
md(08/02/2017)

सत्यमेव जयते W.P.No.1706 of 2017

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