



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.16157 of 2017****and****W.M.P.(MD) No.12831 of 2017**

Lionel Pranesh

... Petitioner

-VS-

1. The District Collector,
Tirunelveli,
Tirunelveli District.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the lock and seal of the entire premise at No.31, Mohideen Aandavar Street, Moolakaraipatti, Tirunelveli - 627 354 and to enable the petitioner to use his residence and for reopening of Makkal Nalam Hospital Clinic based on his representation dated 12.08.2017 and pass such further.

For Petitioner	:	Mr.P.Balamurugan
For Respondents	:	Mr.T.S.Mohamed Mohideen Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to remove the lock and seal of the entire premise at No.31, Mohideen Aandavar Street, Moolakaraipatti, Tirunelveli - 627 354 and to enable the petitioner to use his residence and for reopening of Makkal Nalam Hospital Clinic based on his representation dated 12.08.2017.



2. The case of the petitioner is that in consequence of a death of a patient by name Usharani, who was alleged to be treated improperly by an unqualified person in the clinic run by the petitioner, a complaint was lodged against the petitioner, pursuant to which, the Revenue Officials, who conducted inspection on the said premises along with the Sub-Collector, kept the entire premises under lock and seal. It is the further case of the petitioner that he is none other than the Administrator of the said clinic and he has nothing to do with the allegations of unauthorized treatment. The petitioner claims that he resides in the 1st and 2nd floors of the building and since the entire premises were sealed, the petitioner and his family are unable to enter their house for dwelling purpose. Hence, the petitioner is before this Court with the above prayer.

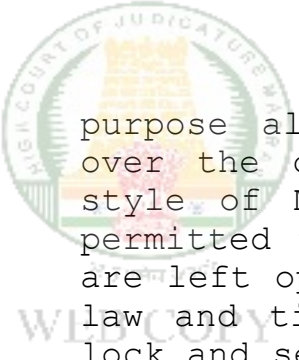
3. Per contra, the learned Additional Government Pleader appearing for the respondents would repudiate the above contention, stating that the hospital was run by the petitioner with unqualified persons, which resulted in a death of one Usharani and therefore, appropriate proceedings have been initiated against the petitioner. He has further contended that the mother of the petitioner is a habitual offender, who is said to have provided such illegal medical treatments to patients on various occasions, which ended in registration of two FIRs in Crime Nos.10 and 81 of 2017 and therefore, no leniency should be shown to the petitioner and the petition should be dismissed *in limine*.

4. This Court has considered the rival submissions and perused the material documents available on record.

5. Of late, there is a hue and cry from all quarters that the medical profession is no longer the noble profession and it has become a business. Besides that, several clinics being run by unauthorized persons, taking advantage of the people's expectation for quick results, are also mushrooming. Be that as it may, in the present case on hand, necessary action has already been initiated and it is for the authorities to take a decision on the issue after proper enquiry.

6. On 10.10.2017, this Court had appointed an Advocate Commissioner to ascertain as to whether the premises under lock and seal include any residential area of the petitioner, pursuant to which the Advocate Commissioner has filed a report dated 23.10.2017, observing in Paragraph No.6 of the report that the premises under lock and seal, especially 1st and 2nd floors resemble as residential premises.

<https://hcservices.ecourts.gov.in/hcservices/> such circumstances, the respondents are directed to unlock the first and second floors of the premises, enabling the petitioner and his family to use the same for residential



purpose alone. The petitioner as well as anyone claiming right over the clinic being run in the ground floor in the name and style of Makkal Nalam Hospital or any other name shall not be permitted to run the clinic in the said premises. The respondents are left open to proceed against the petitioner in accordance with law and till then, the entire ground floor shall be kept under lock and seal.

8. With the above observation and direction, this petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Nanguneri,
Tirunelveli District.

+1cc to Mr.P.Balamurugan, Advocate Sr.No.85030
+1cc to Spl.Government Pleader Sr.No.85361

AR

VB/SKN/RSK/SAR4/08/11/2017/3P/6C

W.P (MD) No.16157 of 2017
02.11.2017