



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.16778 of 2017

and

W.M.P.(MD) No.13376 of 2017

S.Selvaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The State of Tamil Nadu,
Represented 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.

5.The Inspector of Police,
Ammanyayakkanur Police Station,
Ammanyayakkanur,
Nilakottai Taluk,
Dindigul District,
Tamil Nadu - 624 204.

... Respondents

PRAYER: Writ petition filed under article 226 of Constitution of India for issuance of 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 labeling him 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 the name and style of Vanitha Clinic main Road, Kodai Road, Dindigul District, Tamil Nadu - 624 204.

WEB COPY

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.S.Sadhish Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuing 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 labeling him 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 the name and style of Vanitha Clinic main Road, Kodai Road, Dindigul District, Tamil Nadu - 624 204.

2.The petitioner states that he has been authorised to practise the profession by the 4th respondent namely, The Registrar, Tamil Nadu Board of Indian Medicine, Chennai.

3.It is stated that the petitioner in this case is entitled to carry on his profession in the field of Indian System of Medicine like Siddha. Since the respondent police are taking action by labeling the petitioner as a person who is practising Medicine without valid qualification, it is stated that the petitioner is constrained to file the present writ petition forbearing the Director General of Police, Kamarajar Road, Mylapore, Chennai, namely, the 3rd respondent herein, from initiating any police action by labeling the petitioner as unqualified despite the petitioner being a registered Indian Medical Practitioner, entitled to carry on his profession in the field of Indian System of Medicine in Siddha.

4.The learned counsel for the petitioner relied upon a judgment of this Court in a similar writ petition in the case of *A.Thandavamoorthy Vs. The State of Tamil Nadu* in W.P.Nos.14602 and 14603 of 2016 and another judgment of this Court in W.P.Nos.28794 to 28796 of 2016, wherein, it has been held as follows:

"9.As per the typed set of documents, the petitioners are issued with Medical Registration Certificates to practice Ayurvedha System of Medicine and in the affidavit filed in support of these writ petitions, they have specifically stated that they are practising only the said system of Medicine and not any other form or System of



Medicine and the said undertaking is placed on record.

10. Under Article 19(1) (g) of the Constitution of India, a citizen of India is entitled to practise any profession, or to carry on any occupation, trade or business subject to reasonable restrictions.

11. In the light of the undertaking given by the petitioners that they are practising only Ayurvedha System of Medicine, the fifth respondent under the guise of enquiry, cannot disturb or interfere with their lawful profession. However, if the fifth respondent comes across any tenable material as to any violation of law infraction on the part of the petitioners, the said official is always at liberty to proceed against the petitioners, strictly, in accordance with law.

12. The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

5. The learned Additional Government Pleader appearing for the respondents on instructions, submitted that there is no objection to pass similar order in this writ petition. Since the petitioner has given an undertaking to the effect that he is a Practitioner only in Siddha System of Medicine and that he will not practise any other form or system of Medicine. The undertaking is placed on record.

6. Hence, the 5th respondent shall not disturb or interfere with the lawful profession of the petitioner. In case, the 5th respondent comes across with any material information or complaint against the petitioner for violation of law or committing infraction of any statutory Rule or the undertaking given by the petitioner, it is open to the 5th respondent to proceed against the petitioner strictly in accordance with law.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar



To

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The 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.

5. The Inspector of Police,
Ammanyayakkanur Police Station,
Ammanyayakkanur,
Nilakottai Taluk,
Dindigul District,
Tamil Nadu - 624 204.

+One cc to Mr.D.Ashok Kumar, Advocate, SR.No.80084

+One cc to The Special Government Pleader, SR.No.80388

mm

RL/8C/4P/SKN/RSK/SAR1/9/10/2017

W.P. (MD) No.16778 of 2017
and
W.M.P. (MD) No.13376 of 2017