



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P.(MD)No.19829 of 2017
and
W.M.P(MD)Nos.16105 & 16106 of 2017

Katturaja

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat,
St. Fort George,
Chennai.
- 2.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Secretariat,
Health and Family Welfare Department,
St. Fort George,
Chennai.
- 3.The Director General of Police,
O/o. The Director General of Police,
Chennai.
- 4.The District Collector,
Sivagangai District,
Sivagangai.
- 5.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 6.The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.



7.Mr.Vijayan Madhamadakkai,
The Joint Director of
Health Services,
Sivagangai,
Sivagangai District.

8.Mr.Mohemmad Parakuthullah,
The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.

9.The Superintendent of Prison,
Central (Women) Prison,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents no.1 to 3 from interfering and harassing the peaceful right to practice of homoeopathy, Ayurvedhic, Siddha and Traditional practitioners in the State of Tamil Nadu without following the due process of law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader
for R.1 to R.6 & R.9

O R D E R

[Order of the Court was made by The Hon'ble Chief Justice]

This writ petition has been filed seeking a Writ of Mandamus or any other order / direction in the nature of Mandamus, restraining the respondents 1 to 3 from interfering and harassing with the right of practitioners practising Homoeopathy, Ayurvedha, Siddha and other traditional medicines, without following the due process of law.

2. The prayers sought in the writ petition are too wide and vague. The right to profession guaranteed under Article 19(1)(g) of the Constitution of India entails reasonable restrictions. Requisite educational / technical qualifications are obviously necessary, before any practitioner can be allowed to practise, as the health of patients, who come to such practitioner for treatment, would depend on their knowledge and skill.



3. The learned Additional Government Pleader submits that there is no interference with the practice of legitimate practitioners of Homoeopathy, Ayurvedha, Siddha or other traditional medicines, subject to their possessing the requisite educational and/or technical qualifications, with certificates from recognised Universities and/or institutions.

4. It is the grievance of the petitioner that his wife, a medical practitioner in Homoeopathy has been arrested and detained along with her two month old child. Needless to mention that all remedies available in law might be availed by the petitioner's wife. According to the learned Additional Government Pleader, criminal proceedings have been initiated against the petitioner's wife for prescribing medicines other than Homoeopathy medicines, which the petitioner's wife is not qualified to prescribe.

5. This Court cannot entertain the writ petition and pass a general order, which would enable any quack to carry on medical practice and thereby put to risk the lives and health of innocent, gullible patients, may be illiterate or semi literate patients, who might innocently go to them for treatment, with the belief that they have the requisite qualifications and/or expertise.

6. We do not entertain the writ petition. It is made amply clear that this Court has not gone into the question of justification of the proceedings initiated against the petitioner's wife. The allegations against the petitioner's wife would necessarily have to be agitated before the appropriate forum.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Secretary,
State of Tamil Nadu,
Secretariat,
St. Fort George,
Chennai.



2.The Principal Secretary,
State of Tamil Nadu,
Secretariat,
Health and Family Welfare Department,
St. Fort George,
Chennai.

3.The Director General of Police,
O/o. The Director General of Police,
Chennai.

4.The District Collector,
Sivagangai District,
Sivagangai.

5.The Superintendent of Police,
Sivagangai District,
Sivagangai.

6.The Inspector of Police,
Manamadurai Town Police Station,
Sivagangai District.

7.The Superintendent of Prison,
Central (Women) Prison,
Madurai.

+One cc to Mr.R.Alagumani, Advocate, SR.No.84488

+One cc to The Special Government Pleader, SR.No.84205

SSM/GK/rsb
RL/10C/4P/KP/SAR1/13/11/2017

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