

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.10.2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.18342 of 2009
and MP.Nos.1 of 2009 and 1 of 2010

P. Jeevankumar

... Petitioner

vs.

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.

2. The State of Tamil Nadu,
Rep. by its Secretary to State,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

3. The Director General of Police,
Kamaraj Salai,
Chennai - 600 004.

4. The Superintendent of Police,
Tiruppur, Tiruppur District.

... Respondents

सत्यमेव जयते

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to directing the respondents 1 and 2 to regularise the petitioners' Medicinal Practice in Modern Medicine (Allopathy System) and further Forbear the respondents from enforcing the Penal Provisions of the Indian Medical Council Act, 1956 and the Drugs and Cosmetics Act, 1940 as against the petitioner in particular.

For Petitioner : Mrs.A. Karthika Ashok

For Respondents: Mr.J.Madanagopal Rao [R1]

Mr.I.Sathish,
Additional Government Pleader [R2 to R4]

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

This writ petition has been filed seeking a direction to regularise the petitioner's medical practice in Modern Medicine (Allopathy System) and also further direction to the respondents from enforcing the Penal Provisions of the Indian Medical Council Act, 1956 and the Drugs and Cosmetics Act, 1940.

2. The grievance of the petitioner is that he is a Medical Practitioner practicing in Ayurveda and Modern Scientific system of medicine, and he has qualified with B.A.M.S. degree. The 1st and 2nd respondents has not recognized the petitioner's decree and they are not permitting the petitioner to practice in the Modern Medicine. The 3rd and 4th respondents are also interfering with the petitioner's medical practice. Hence, the present writ petition has been filed.

3. Mrs. A.Karthika Ashok, learned counsel appearing for the petitioner submitted that pending writ petition, various new enactments have been promulgated, and under the above Acts, the petitioner is taken steps to register his name. In the meantime, the respondents 3 and 4 may be directed not to interfere with the petitioner's practicing in the Modern Medicine.

4. Per contra, the learned counsel appearing for 3rd and 4th respondents, on instructions, submitted that so far they have not received any complaint and they are not conducting any enquiry on the petitioner. Only in anticipation of action being taken against the petitioner, the present writ petition has been filed.

5. Considering the fact that the petitioner has not registered himself as a Medical Practitioner under the Tamil Nadu Clinical Establishments (Regulation) Rules, 2018, without registering his name, the petitioner cannot practice Ayurveda and Modern scientific system.

6. Under these circumstances, the prayer sought in this writ petition by the writ petitioner cannot be granted at this stage.

The writ petition stands dismissed. However, it is open to the petitioner to approach the competent authority and register his name under the relevant Act and Rules. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mp

To

1. The Secretary to Government, Union of India,
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.
2. The Secretary to State,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
3. The Director General of Police,
Kamaraj Salai,
Chennai - 600 004.
4. The Superintendent of Police,
Tiruppur, Tiruppur District.

+1cc to Government Pleader SR.NO. 86494

+1cc to Mrs.A. Karthika Ashok, Advocate sr.85994

सत्यमेव जयते

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ss(co)
nr 22/11/2019

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