

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21189 of 2017

W.M.P.No.22084 of 2017

S.Elango ... Petitioner
Vs.

- 1.The State of Tamilnadu,
Rep by its Secretary to Government,
Home Department,
Fort St. George,
Chennai-600 009.
2. The State of Tamil Nadu
Rep by its Commissioner
and Secretary to Government
Health and Family Welfare
Department, Fort St., George,
Chennai - 600 009.
3. The Director of 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 0106.
5. The Sub-Inspector of Police,
D-6, Police Station,
Podhatur Pettai,
Tiruvallur District
Pincode - 631 208

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India to issue 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 the petitioner as unqualified as he is a Registered Indian Medical Practitioner and thus ensure the safety of his professions in the field of Indian System of Medicine in Siddha int he name and style of Om Sakthi Clinic at Athi Manchiri Pettai Road, Podutty Pettai, Thiruvallur District,

Pincode - 631 208.

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed for a Writ of Mandamus to forbear the the third respondent from initiating any police action by labelling the petitioner as unqualified and thus ensure the safety of his professions in the field of Indian System of Medicine in Siddha.

2. It is the case of the petitioner that he has registered his name as Siddha Medical Practitioner in the respective Medical Council and he is practicing only in the field of Siddha and not in Allopathic medicine. 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 respective field, viz., Siddha. In the affidavit filed in support of the writ petition, the petitioner has stated that he cannot practice Allopathy and he has no inclination whatsoever to practice in Allopathic medicine.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. In the light of the said assurance given in the affidavit filed in support of the writ petition, the writ petition is disposed of directing the respondents to permit the petitioner to practice in his field, viz, Siddha medicine alone. So long as the petitioner is practicing in his respective mode of medicine, viz., Siddha, 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 such of the petitioner in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

rts

To

1. The Secretary to Government,
State of Tamilnadu,
Home Department,
Fort St. George,
Chennai-600 009.
 2. The Commissioner
and Secretary to Government,
State of Tamil Nadu
Health and Family Welfare
Department, Fort St., George,
Chennai - 600 009.
 3. The Director of 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 0106.
 5. The Inspector of Police,
High School Road,
Daikanikotta,
Krishnagiri,
Pincode - 635 107.
 6. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.D.Ashok Kumar, Advocate sr 25611.

W.P.No.21189 of 2017
W.M.P.No.22084 of 2017

KAN(CO)
SP(03/04/2019)