

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.10920 & 10921 of 2017
and W.M.P.Nos.11883 & 11884 of 2017

W.P.No. 10920 of 2017 :-

1. P.S.Murugesu Pandiyan
2. S.Selvaraj
3. T.Subbiah
4. K.Malaichamy
5. A.Balachandran
6. R.Natarajan
7. M.D.Daisy
8. G.S.Jothi Rani
9. R.K.Karunakaran
10. M.S.K.Thangavel
11. L.R.Balasubramani
12. V.Manoharan
13. T.Kalimuthu
14. R.Balamurugan
15. T.Palaniappan
16. A.Alexander
17. V.Murugappa
18. A.Arunagiri
19. Dr.V.Balu
20. Dr.S.Kulanthaivelu
21. Dr.M.Alagarsamy

... Petitioners

Vs.

- 1.The Director General Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

2.The Superintendent of Police,
Madurai, Madurai District.

3. The Superintendent of Police,
Dindigul, Dindigul District.

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

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

6. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

...Respondents

W.P.No. 10921 of 2017 :-

1. P.Vimalan
2. S.Rajkumar
3. J.Austin Jeba
4. V.Jaganathan
5. K.Sivakumar
6. P.Ganesan
7. N.Kalaiappan
8. M.Purushothaman
9. K.Kathiravan
10. K.Selvam
11. L.R.Chinnadurai
12. K.Saravanan
13. P.Murugambal

... Petitioners

Vs.

- 1.The Director General Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

WEB COPY

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

3. The Superintendent of Police,
Dindigul, Dindigul District.

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

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

6. The Superintendent of Police,
Tuticorin,
Tuticorin District.

7. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

...Respondents

Common Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the respondents from in any way interfering with the petitioner's right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services, to carry on lawful occupation under Article 19 (1)(g) of the Constitution of India by considering their representation dated 30.11.2016 and 10.04.2017, respectively, in view of the law declared in Dr.Mukhtiar Chand Case [1998(7) SCC 579].

For Petitioners
in both petitions

: Mr.N.Manokaran

For Respondents
in both petitions

: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus to forbear the respondents from in any way interfering with the petitioners' right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services, to carry on lawful occupation under Article 19(1)(g) of the Constitution of India by considering their representation dated 30.11.2016 and 10.04.2017, respectively.

2. It is the case of the petitioners in both the petitions that the petitioners are practitioners of alternative medicines like Acupuncture, Electropathy, Hypnotherapy, Magneto therapy, Yoga etc. They have undergone Community Medical Service Certificate Course (CMS) and obtained a Diploma in CMS. However, the respondents are labelling the petitioners as unqualified and they are threatening legal action, thereby affecting the rights of the petitioner to do their profession in their respective fields. In the affidavit filed in support of the writ petition, the petitioners have stated that they will not go to the extent of causing harm to the life of their customers.

3. Heard the learned counsel for the petitioners 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 petitions, both the writ petitions are disposed of, directing the respondents to permit the petitioners to practice in their respective field alone. So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them. However, it is open to the respondents or their officials to verify and find out whether the petitioners are practicing in other fields, viz., Ayurveda, Siddha, Unani, Allopathy etc., and if the petitioners are practicing in such fields, it is open to the police officials to initiate action against such of the petitioners in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

15.03.2019

Internet : Yes / No
 Index : Yes / No
 Speaking / Non Speaking order

rts

To

1.The Director General Police,
 Kamarajar Salai,
 Mylapore, Chennai - 600 004.

2.The Superintendent of Police,
 Madurai, Madurai District.

WEB COPY

G.K.ILANTHIRAIYAN, J.

rts

3. The Superintendent of Police,
Dindigul, Dindigul District.
4. The Superintendent of Police,
Karur, Karur District.
5. The Superintendent of Police,
Namakkal, Namakkal District.
6. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
7. The Superintendent of Police,
Tiruppur, Tiruppur District.
8. The Superintendent of Police,
Tuticorin,
Tuticorin District.
9. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
10. The Public Prosecutor,
High Court, Madras.



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