

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM :

The Hon'ble Mr.AMRESHWAR PRATAP SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.33520 of 2019

and

W.M.P.Nos.33980 and 33981 of 2019

Institutionally Qualified Homoeopathic
Doctors Welfare Association,
Rep. by its General Secretary,
Dr.M.Fakhrudeen. ...Petitioner

-vs-

1.The Chief Secretary,
Dept. of Ayush Ayush Bhavan,
B-Block, GPO Complex,
New Delhi 110 023.

2.The Secretary,
Dept. of Health and Family Welfare,
Secretariat, St. George Fort,
Chennai 600 009.

3.The Principal Secretary,
Tamil Nadu Government,
Secretariat, St. George Fort,
Chennai 600 009.

4.The Special Executive Officer,
(Implementation of Clinical
Registration Establishment Act),
Director of Medical Services,
Teynampet, Chennai 600 018.

5.The Director of Indian Medicine
and Homoeopathy Medicines,
Arignar Anna Hospital Campus,
Chennai 600 106.

6.The Registrar
Tamilnadu Homoeopathy Medical
Council, Arignar Anna Hospital
Campus, Arumbakkam, Anna Nagar,
Chennai 600 106.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the petitioner association's representation dated 14.10.2019 for amendment in few salutations in Clinical Registration Establishment Act 2018 and for the implementation and inspection of Tamil Nadu Clinical Establishment Act 1997 and Rules 2018 until the prayer was added to Act and Regulations within the time frame that may be fixed by this Court.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.N.Ramesh,
Central Govt. Stdg. Counsel
for R-1

: Mr.V.Jayaprakash Narayanan
Govt. Pleader, for RR 2 to 6

ORDER

(Made by The Hon'ble Chief Justice)

Heard learned counsel for the petitioner.

2.The nature of relief prayed for in the present writ petition is virtually to issue a mandamus to the respondents to suitably bring about amendments in the Clinical Registration Establishment Act, 2018, for implementation and Rules to be framed accordingly.

3.The nature of the prayer made is therefore calling upon this Court to issue a mandamus for bringing about a legislation. This prayer cannot be granted, as no mandamus can be issued to the legislature to legislate. It is open to the petitioner to approach the State Government itself for taking appropriate steps in the matter.

Writ Petition is consigned to records. There shall be no order as to costs. Consequently, W.M.P.Nos.33980 and 33981 of 2019 are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Chief Secretary,
Dept. of Ayush Ayush Bhavan,
B-Block, GPO Complex,
New Delhi 110 023.
- 2.The Secretary,
Dept. of Health and Family Welfare,
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Council, Arignar Anna Hospital
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Chennai 600 106.

+1cc to Mr.N.Ramesh, Advocate, S.R.No. 100002
+1cc to the Government Pleader, S.R.No. 100703

W.P.No.33520 of 2019

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RP(CO)
GN(02/01/2020)