



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7667 of 2015
and
M.P.(MD)No.1 of 2015

Dr.M.D.Pandian

... Petitioner

-Vs-

- 1.The State of Tamilnadu rep. by its
Secretary to Government,
Health & Family Welfare Department,
Fort St.George,
Chennai-9.
- 2.The Director,
Public Health and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-8.
- 3.The District Collector,
Thanjavur District,
Thanjavur.
- 4.The Superintendent of Police,
Thanjavur.
- 5.The Drug Controller,
Arulananda Nagar,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the professional practice of the petitioner in the field of Indian System of Homeopathy with modern scientific system and taking action in the name Anti-Quackery action against him since the petitioner is practicing his profession as per the Regulations passed by the Central Council of Indian Medicine, New Delhi and as per the Indian Medical Degrees (Madras Amendment) Act, 1940.

For Petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.T.Lenin Kumar
: Mr.K.Mu.Muthu
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner is a registered medical practitioner. He is a qualified Homeopathy Doctor. He had duly enrolled on the roll of the State Medical Register of Tamil Nadu Homeopathy Medical Council. The local police registered a case in Crime No.21 of 2015 against the writ petitioner under Section 14(C) of the Indian Medical Council Act, 1956.

3. The learned counsel appearing for the writ petitioner would state that the same was quashed by this Court in exercise of its inherent jurisdiction. All that the petitioner seeks is that the respondent should not interfere with his professional practice in the name of taking action against quacks.

4. I am of the view that it is not possible for this Court to grant any omnibus relief as sought for. At the same time, this Court notes that the writ petitioner is a duly qualified professional. So long as the petitioner sticks to the regulations passed by the Central Council of Indian Medicine, New Delhi, the respondent would not be justified in interfering with the petitioner's medical practice.

5. With this observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Secretary,
Health & Family Welfare Department,
Fort St. George,
Chennai-9.
2. The Director,
Public Health and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-8.
3. The District Collector,
Thanjavur District,
Thanjavur.



4.The Superintendent of Police,
Thanjavur.

5.The Drug Controller,
Arulananda Nagar,
Thanjavur

+1. C.C. to M/S.T.Lenin Kumar, Advocate SR.No. 53391
+1 cc to Special Government Pleader, SR.No. 53598

W.P. (MD) No.7667 of 2015
12.03.2019

IAS
SP/05.04.2019/3P-8C