



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.21628 of 2018

and

W.M.P(MD) No.19533 of 2018

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Alternative Medical Practitioners Association,
Rep by its President,
Dr.N.Selvam

... Petitioner

-Vs-

1.The Secretary,
Ministry of Health and Family Welfare,
New Delhi.

2.The Secretary,
Dept. of Health & Family Welfare,
Secretariat, St.George Fort,
Chennai-600009.

3.The Director,
Directorate of Indian Medicine & Homeopathy (AYUSH),
Arumbakkam, Chennai-600106.

4.The Registrar,
Tamil Nadu Siddha Medical Council,
Arumbakkam, Chennai-600106.

5.The Director General of Police,
Chennai-600106.

6.The District Collector,
Kanyakumari District,
Kanyakumari.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents herein not to interfere with the practice of Alternative System of Medicine by the Members of the petitioner's Association duly qualified by not entering and harassing the members of his Association with a view to stop their practice of the Alternative System of Medicine without following due process of law on the basis of his representation dated 01.10.2018.

For Petitioner

: Mr.N.Anandakumar



For R-1 : Mr.V.Malaiyendren
Central Government Standing Counsel
For R-2 to R-6 : Mr.A.Muthukaruppan
Additional Government Pleader

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ORDER

It is brought to the notice of this Court that earlier the same petitioner filed a writ petition in W.P(MD) No.20623 of 2018. The prayer in the writ petition is as follows:-

"Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents herein not to interfere with the practice of Alternative System of Medicine by the Members of the petitioner's Association duly qualified by not entering

and harassing the members of his Association with a view to stop their practice of the Alternative System of Medicine without following due process of law.

2.The said writ petition was dismissed as withdrawn based on the endorsement made by the learned counsel for the petitioner. However, no liberty was given to the petitioner to file a similar writ petition for the same cause of action. The petitioner in the affidavit filed in support of the petition has not explained how the cause of action in the present writ petition is different from the writ petition, which was earlier dismissed as withdrawn.

3.It is open to a person to seek withdrawal of the writ petition with liberty to approach the Court for similar relief. If permission is not granted by the Court, he cannot go on filing writ petition one after another ignoring the legal implication of such withdrawal. In these circumstances, this Court has no other option to dismiss the writ petition.

4.This Writ Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

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