



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2019
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

W.P.(MD) No.23644 of 2019

T.Ganesan

... Petitioner

-Vs-

1. The State of Tamil Nadu
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- 600 005

3. The Director General of Police
Kamarajar Road, Chepauk
Chennai- 600 005

4. The Registrar
Tamil Nadu Board of Indian Medicine
Aringnar Anna Government Hospital
of Indian Medicine Campus
Arumbakkam
Chennai 600 106

5. The Inspector of Police
Uthamapalayam Police Station
Uthamapalayam
Theni District 625533

... Respondents

Prayer: Writ petition filed under Article 226 Constitution of India for issuance of Writ of Mandamus , forbearing the Director General of Police, Kamarajar road, Chepauk, Chennai-600 005 namely the 3rd respondent herein from initiating any police action by labeling petitioner as unqualified as he is a registered Indian medical Practitioner and thus ensure the safety of his profession in the field of Indian System of Medicine in Ayurvedha at 4.4284/1, Water Tank St, Uthamapalayam, Theni District-625 533

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor



ORDER

This petition has been filed forbearing the Director General of Police, Kamarajar road,Chepauk,Chennai-600 005 namely the 3rd respondent herein from initiating any police action by labeling petitioner as unqualified as he is a registered Indian medical Practitioner and thus ensure the safety of his profession in the field of Indian System of Medicine in Ayurvedha at 4.4284/1, Water Tank St, Uthamapalayam, Theni District-625 533

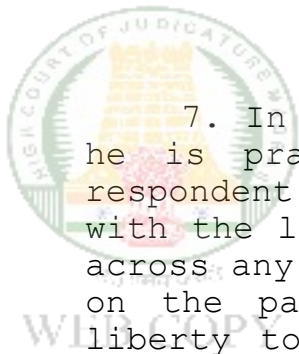
2. The learned counsel for the petitioner would submit that by virtue of the certificate given to the petitioner, he is entitled to practice Ayurvedha and he has never indulged in prescribing or practising allopathy system of medicine, since he is not qualified for MBBS, he is branded as quacks Doctors and the fifth respondent under the guise of enquiry is repeatedly harassing him and interfering with his lawful professional activities and therefore he has come forward with the petition.

3.The learned counsel also drew the attention of this Court to the order dated 08.11.2011 made in W.P.No.20191 of 2011 (Dr.N.Sankaramurthy Vs- The State of Tamil Nadu rep. by its Secretary to Government , Home Department , Fort.St George Chennai 600 009 and others), the interim order dated 21.02.2014 made in W.P.No.4961 of 2014 and M.P.No.1 of 2014 and the order dated 26.04.2016 made in W.P.Nos.14602 and 14603 of 2012(A.Thandavamoorthy and another Vs. The State of Tamil Nadu rep. by its Secretary to Government, Home Department Fort St.George, Chennai- 600 009 and others) and prays for appropriate orders.

4. Per Contra, the learned Additional Public Prosecutor submitted that the petitioner under the guise of practising Ayurvedha medicine cannot prescribe or administer injections, which is unique to Allopathy system of Medicine and since some complaints have emanated against him, the fifth respondent , in discharge of his lawful duties, is conducting enquiry, strictly, in accordance with law.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. As per the typed set of documents, the petitioner was issued with medical registration certificate to practise ayurveda system of medicine and in the affidavit filed in support of the writ petition, he has specifically stated that he is practising only the said system of medicine and not any other form of system of medicine and the said undertaking is placed on record



7. In the light of the undertaking given by the petitioner that he is practising only ayurvedha system of medicine, the fifth respondent under the guise of enquiry cannot disturb or interfere with the lawful possession. However, if the fifth respondent come across any tenable materials as to any violation of law/infracton on the part of the petitioner, the said official is always at liberty to proceed against the petitioner, strictly in accordance with law.

8. With the aforesaid observation, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

aav
To

1. The Secretary to Government
The State of Tamil Nadu
Home Department
Fort St.George
Chennai- 600 009
2. The Commissioner and Secretary
To Government Health and Family Welfare Department
Fort St.George
Chennai- 600 005
3. The Director General of Police
Kamarajar Road, Chepauk
Chennai- 600 005
4. The Registrar
Tamil Nadu Board of Indian Medicine
Aringnar Anna Government Hospital
of Indian Medicine Campus
Arumbakkam
Chennai0 600 106
5. The Inspector of Police
Uthamapalayam Police Station
Uthamapalayam
Theni District 625533



6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.ASHOK KUMAR, Advocate (SR-97184[F] dated 11/11/2019)

WEB COPY

W.P. (MD) No.23644 of 2019

13.11.2019

_MK (03.12.2019) 4P 8C