



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

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W.P. (MD)Nos.22355 of 2017, 3805 of 2018, 3806 of 2018, 5306 of 2017, 1150 of 2019, 19844 of 2018 and 19845 of 2018

and

W.M.P. (MD) .Nos.18663 of 2017, 969 of 2019, 17622 and 17623 of 2018

W.P. (MD)No.22355 of 2017

Association of Acupuncture and
Natural Therapy (Reg.No.121/2015)
represented by its President,
S.Sivabalan (M-45/17).

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Health Secretary,
Health Department,
St. Fort George,
Chennai.

2.The Director General of Police,
Rajaji Salai,
Chennai.

3.The Registrar,
Tamil Nadu Siddha Medicine Council,
Arumbakkam,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second and third respondents not to interfere with practice of the Acupuncture treatment by the members of the petitioner's Association duly qualified by not entering and harassing the members of petitioner with a view to



stop their practice of the Acupuncture system treatment without following any due process of law.

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For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD)Nos.3805 and 3806 of 2018

V.Arunachalam ...Petitioner in WP(MD)No.3805 of 2018
Y.Sivakumar ...Petitioner in WP(MD)No.3806 of 2018

Vs.

- 1.The Secretary to Government,
Ministry of Health Department,
Fort St. George,
Chennai.
- 2.The Joint Director,
Health Services,
Tirunelveli District and Tenkasi,
Tirunelveli.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4.The Sub Inspector of Police,
Alwarkurichi Police Station,
Alwarkurichi,
Tirunelveli District.

... Respondents in both W.Ps.

Prayer in W.P.No.3805/2018 Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent from initiating any police action by labelling the petitioner as unqualified doctor as the petitioner is a registered Indian Medical Practitioner and thus ensure the safety of his profession in the



field of Indian system of Medicine in Siddha running in the name of Sri Sakthi Clinic situated in Pappankulam, Tirunelveli District, consequently direct the fourth respondent to remove the seal forthwith in the clinic.

Prayer in W.P.No.3806/2018 Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent to remove the seal put forth in the Medical shop of the petitioner and consequently not to interfere with the peaceful business of pharmacy by the petitioner in Sri Sakthi Medicals at Pappankulam Village, Tirunelveli District.

For Petitioners : Mr.H.Elango
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD)No.5306 of 2018

M.Bharath ... Petitioner
Vs.

1.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.

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

... 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, their subordinates and their men or any one acting on their behalf from in any manner interfering with nor disturb the petitioner's peaceful and lawful business of the petitioner namely Sri Brindha Spa Massage and Ayurvedha Clinic in 1st Floor, Millenium Tower, Vadakkankulam Road, Kavalkinaru, Tirunelveli District except by due process of law.



For Petitioner : Mr.S.Prabhu for Mr.Nagarajan
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD)No.1150 of 2019

Bijesh Thomas ... Petitioner
Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Kutralam Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents or their men, agents not to interfere with the peaceful conduct of business at RADHA INN PANCHAKARMA & THERAPY CENTRE situated in 1st floor of Radha in Residence, Near Bus stand, Kutralam Village, Tenkasi Taluk, Tirunelveli.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD)Nos.19844 & 19845 of 2018

A.Mohamed Musthfa ... Petitioner in WP(MD)No.19844 of 2018
B.Vimala Devi ... Petitioner in WP(MD)No.19845 of 2018
Vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.



2.The State of Tamil Nadu

represented by its Commissioner and Secretary to Government,
Health and Family Welfare Department,

Fort St. George,
Chennai 600 009.

3.The Director General of Police,

Kamarajar Road,

Chepauk,

Chennai 600 005.

4.The Registrar,

Tamil Nadu Board of Indian Medicine

Arignar Anna Government Hospital of

Indian Medicine Campus,

Arumbakkam,

Chennai 600 106. ...Respondents in WP(MD)Nos.19844 and
19845/2018

5.The Inspector of Police,

Koodal Pudhur Police Station,

Kodal Nagar,

Madurai 625 018.

...R5 in WP(MD)No.19844/2018

6.The Inspector of Police,

Medical College Police Station,

Medical College Road,

Thanjavur 613 007.

...R5 in WP(MD)No.19845/2018

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a 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 labelling the petitioners as unqualified as they are the Registered Indian Medical Practitioner



and thus ensure the safety of petitioners' profession in the filed of Indian System of Medicine in Sidha.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

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C O M M O N O R D E R

Since the issues involved in the writ petitions are common, all the matters are disposed of by this common order.

2. The grievance of the petitioners is that the petitioners are qualified practitioners in Acupuncture, Siddha and Ayurvedha, and they have also obtained necessary certificates and running the clinics in various places in Tamil Nadu. For running the above treatment centre, no permission is required from any authority. Now, the respondents are unnecessarily harassing the petitioners and preventing them from running the clinics.

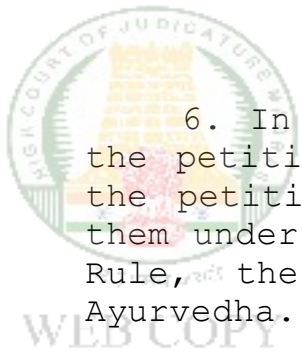
3. The learned counsel appearing for the respondents would contend that even though the petitioners claiming that they are giving treatment on Acupuncture, Siddha and Ayurvedha, actually they are practicing in Allopathy Medicine without qualification. That apart, now, the Tamil Nadu Clinical Establishments (Regulation) Rules, 2018, came into force and the petitioners should necessarily get a licence from the appropriate authority for practicing Acupuncture, Siddha and Ayurvedha. Admittedly, the petitioners without obtaining any valid licence under the Rule, now running the Clinics, which is not permissible under Law.

4. I have considered the rival submissions and perused the materials available on record.

5. Rule 2(c) of Tamil Nadu Clinical Establishments (Regulation) Rules, 2018, defines "clinic", which reads as follows:

2(c) "clinic" means a place where treatment for illness is offered without or with injections, minor operations, dressing, etc., to the patients for observation. It may include endoscopic clinic, AYUSH Clinic or any other establishment offering treatment for illnesses by use of medicines or any therapy under Allopathy, Siddha, Unani, Ayurveda, Yoga and Naturopathy or Homeopathy (AYUSH) or any other Government recognised systems of Medicine.

and which requires registration under the appropriate authorities, and the petitioners without registering under the Rules cannot run a Clinic.



6. In the above said circumstances, the prayer sought for by the petitioners cannot be granted. However, it is always open to the petitioners to approach the competent authority and register them under the Rule. Till they register themselves under the above Rule, the petitioners cannot run the Clinic in Siddha and Ayurvedha.

7. With the above observations, these writ petitions are closed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

To

1.The Health Secretary,
Health Department,
St. Fort George,
Chennai.

2.The Commissioner and Secretary to Government
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.

3.The Director General of Police,
Rajaji Salai,
Chennai.

4.The Registrar,
Tamil Nadu Siddha Medicine Council,
Arumbakkam,
Chennai.

5.The Inspector of Police,
Koodal Pudhur Police Station,
Kodal Nagar,



Madurai 625 018.

6.The Inspector of Police,
Medical College Police Station,
Medical College Road,
Thanjavur 613 007.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-81089[F] dated 09/08/2019)

Order made in
**W.P. (MD) Nos.22355 of 2017, 3805 of 2018, 3806 of 2018,
5306 of 2017, 1150 of 2019, 19844 of 2018 and 19845 of 2018**

Dated: **08.08.2019**

_KM/ (24.09.2019) 8P 8C