

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.1681 OF 2020

C.P.Ramachandran

... Petitioner

vs

1. State rep. by its
The District Collector,
Coimbatore District.

2. The Tahsildar,
Pollachi Tahsildar Office,
Pollachi - 642 001
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the 1st and 2nd respondents to consider the petitioner's representation to the 1st respondent dated 18.12.2019 to de-seal the portion of the petitioner's residential house and medical shop sealed by the 2nd respondent.

For Petitioners : Mr.P.Kalimuthu

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

This Writ petition is filed seeking for a Mandamus directing the 1st and 2nd respondents to consider the representation of the petitioner dated 18.12.2019 requesting to de-seal the portion of his residential house and medical shop which was sealed by the 2nd respondent.

2. It is claimed by the petitioner that he is trained in alternative medicines called Gurukula Vaithiyam Methods and he is running medical shop, selling Siddha and Ayurvedic medicines in the name and style of "Shree Ramachandra Dravida Raja

Maruthuvam" at Pollachi, after getting permission from the appropriate authorities.

3. On the other hand, it is contended by the respondents that a surprise raid was conducted in the petitioner's premises on 09.11.2019 and it was found that the petitioner was running a clinic and giving Ayurvedha and Siddha Medical treatment to the general public without valid education in medicine and without any authorization from the appropriate Government authorities and that the petitioner is a fake doctor. Therefore, the respondents sealed the clinic premises immediately. It is also stated that a case in Cr.No.345/2019 on the file of the Pollachi Police Station was filed against the petitioner under Sections 468, 471 & 420 and under Section 5 of the Indian Medical Council Act, 1956. It is contended by the petitioner that he is also residing in the said premises for a long time and therefore, the respondents must be directed to de-seal the premises.

4. When the matter was taken up on earlier occasion, this Court directed the petitioner to file an affidavit of undertaking that he will not practice the said course of medicine. Today, an undertaking affidavit of the petitioner dated 16.02.2020 is filed before this Court wherein it is stated as follows:

2. I hereby undertake that I will use the premises at 2 KN Nair Building, Thiruneelakandar Street, Pollachi 642 001, Coimbatore District, for the Residential purpose only and I will not carry out any trade or profession related to Allopathi medicine or Indian tradition medicine at the above said premises.

3. I understand the undertaking that I have given, and that if I break any of my undertaking, the legal action may be taken against me and the premises may be sealed again.

5. Since the petitioner has given the above undertaking, more particularly, by stating that he will not carry out any trade or profession related to allopathic medicine or Indian traditional medicine in the above said premises and that he would use the same only for residential purpose, this Court is of the view that the respondents can de-seal the premises so as to enable the petitioner to use the said premises only for his residential purpose. Needless to state that if the petitioner indulges in doing the very same profession or selling any medicine, it is open to the respondents to act swiftly and seal the premises once again. It is also made clear that the

petitioner has to face criminal case filed against him before the appropriate forum and in accordance with law, as this Court is not expressing any view on merits of the claim made by the petitioner in this writ petition.

6. Accordingly, after recording the above undertaking filed by the petitioner, this writ petition is disposed of as follows:

(a) The respondents shall de-seal the premises without prejudice to their contentions in the criminal case, within a period of seven days from the date of receipt of a copy of this order

(b) The petitioner is permitted to reside in the said premises and use the same purely for residential purpose only and not to carry on any trade or professional activities in the said premises.

(c) If the respondents find that the above undertaking given by the petitioner is violated, it is open to them to seal the premises once again without reference to the order passed in this writ petition. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Coimbatore District.

2. The Tahsildar,
Pollachi Tahsildar Office,
Pollachi - 642 001
Coimbatore District.

+1cc to Mr.P.Kalimuthu, Advocate, S.R.No.18122
+1cc to the Government Pleader, S.R.No.18733

W.P.No.1681 of 2020

AD(CO)
CS/04/03/2020