

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.7882, 7885 & 7895 of 2020
and

W.M.P.Nos.9307, 9311 & 9325 of 2020

Arokiya Mary,
W/o.Simon,
No.1/85,3,Ranga Nagar,
Kuppandampalayam,
Avinashi (TK), Sinneripalayam,
Tiruppur- 641 654. ... Petitioner in W.P.No.7882 of 2020

S.R.J.Balaji,
S/o.R.Jayaraj,
No.198/204D, Lenin Nagar,
Ariyagoundampatti (P.O),
Old Suramangalam,
Salem District-636 005. ... Petitioner in W.P.No.7885 of 2020

R.Sri Kumar,
S/o.K.A.Raja,
No.41/163, Nethaji Street,
Jagirammampalayam,
Salem District-636 005. ... Petitioner in W.P.No.7895 of 2020

सत्यमेव जयते
Vs.

- 1.The Secretary,
Family and Health Department,
Race Course Road, Little Mount,
Guindy, Chennai-600 032.
- 2.The Director General Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Tiruppur, Tiruppur District - 641 687.

4.The Assistant Commissioner of Police,
Tiruppur, Tiruppur District - 641 687.

5.The State rep. By its.
The Inspector of Police,
Tiruppur District - 641 601. ... Respondents in
W.P.No.7882 of 2020

1.The Secretary,
Family and Health Department,
Race Course Road, Little Mount,
Guindy, Chennai-600 032.

2.The Director General Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

3.The Commissioner of Police, Salem,
Salem District - 636 007.

4.The Assistant Commissioner of Police, Salem,
Salem District - 636 001.

5.The State rep. By its.
The Inspector of Police,
Salem District - 636 001. ... Respondents in
W.P.Nos.7885 & 7895 of 2020

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus, Forbearing the respondents 2 to 5 from in any way interfering with the petitioner's right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services, to carry on lawful occupation under Article 19(1)(g) of the Constitution of India by considering our representation dated 17.03.2020, in view of the law declared in Dr.Mukhtiar Chand case (1998 (7) SCC 579).

In all the Writ Petitions

For Petitioner : Mr.K.Rajendra Prasad

For Respondents : Mr.M.Elumalai
Government Advocate for R1
Mr.S.Karthikeyan
Additional
Public Prosecutor
for R2 to R4

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, directing the respondents 2 to 5 from in any way interfering with the petitioner's right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services, to carry on lawful occupation under Article 19(1)(g) of the Constitution of India by considering our representation dated 17.03.2020, in view of the law declared in Dr.Mukhtiar Chand case (1998 (7) SCC 579).

2. It is the case of the petitioners in all the petitions that the petitioners are practitioners of alternative medicines like Ayurveda, Unani and Yoga etc. They have undergone Community Medical Service Certificate Course (CMS) and obtained a Diploma in CMS. However, the respondents are labelling the petitioners as unqualified and they are threatening legal action, thereby affecting the rights of the petitioner to do their profession in their respective fields. In the affidavit filed in support of the writ petition, the petitioners have stated that they will not go to the extent of causing harm to the life of their customers.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

4. In the light of the said assurance given in the affidavit filed in support of the writ petitions, all the writ petitions are disposed of, directing the respondents 2 to 5 to permit the petitioners to practice in their respective field alone. So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them. However, it is open to the respondents or their officials to verify and find out whether the petitioners are practicing in other fields, viz., Ayurveda, Siddha, Unani, Allopathy etc., and if the petitioners are practicing in such fields, it is open to the police officials to initiate action against such of the petitioners in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Family and Health Department,
Race Course Road, Little Mount,
Guindy, Chennai-600 032.
- 2.The Director General Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Tiruppur, Tiruppur District - 641 687.
- 4.The Assistant Commissioner of Police,
Tiruppur, Tiruppur District - 641 687.
- 5.The Inspector of Police,
Tirupur District - 641 601.
- 6.The Commissioner of Police, Salem,
Salem District - 636 007.
- 7.The Assistant Commissioner of Police, Salem,
Salem District - 636 001.
- 8.The Inspector of Police,
Salem District - 636 001.
- 9.The Public Prosecutor,
High Court, Madras

W.P.Nos.7882, 7885 & 7895 of 2020

VS (CO)
RV (27/08/2020)

सत्यमेव जयते

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