

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.7416 and 7417 of 2020

G.Muthu Kumar Nayakar Petitioner in WP 7416/2020
Dr.K.M.Senthamilzh Selvan Petitioner in WP 7417/2020

vs.

1. The Ministry of Health and
Family Welfare,
rep. by its Secretary,
Nirman Bhavan,
New Delhi 110 011.

2. The Ministry of Ayush,
rep. by its Secretary,
Ayush Bhawan, GPO Complex,
New Delhi 110 023.

3. The State of Tamil Nadu,
rep. by its Secretary,
Department of Health and
Family Welfare,
Secretariat, Chennai-9.

4. The Central Council for Research in
Siddha, rep. by its Director,
Siddha Central Research Institute,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai 600 106.

... Respondents in W.P.No.7416 of 2020

1. The government of Tamil Nadu,
rep. by its Chief Secretary,
Secretariat, Fort St.George,
Chennai 9

2. The Principal Secretary,
Health and Family Welfare Department,
Govt of Tamil Nadu,
Secretariat chennai.

3. The Director,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai 106

4. The Director General,
Central Council for Research in Siddha,
Govt. Anna Hospital Campus,
Arumbakkam, Chennai 106. Respondents in W.P.No.7416 of 2020

Prayer in W.P. No.7416 of 2020 filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1 to 3 respondents issue appropriate direction to the 4th respondent to test the Indian Traditional Medicine herbal Mixture (Sidhha) for curing the COVID-2019 by considering the Petitioner's Representations dated 16.03.2020 and 21.03.2020 within the time stipulated by this court.

Prayer in W.P. No.7417 of 2020 filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1 to 3 respondents issue appropriate direction to respondents to dispose of the petitioner associations representation dated 10.3.2020 consequently directing the 1st respondent to permit the petitioner's association to prevent the coronovirus and save and give the lifesaving ayush, Ayurveda, Unani, Siddha Homeopathy drugs for the 750 crores people of Tamil Nadu, India and World.

For Petitioner in WP 7416/2020 : Mr.P.Vasanthakumar

For Petitioner in WP 7417/2020 : Petitioner-in-Person

For Respondents : Mr.V.Jayaprakash Narayanan
Government in both WP's

COMMON ORDER
(Made by Dr.Vineet Kothari, J)

Heard the learned counsel for the petitioner and the petitioner who appeared as party in person. Heard the learned Government Pleader.

2. The prayer made in the writ petitions is to direct the respondents to consider the representation of the petitioners to test the Indian Traditional Medicine herbal Mixture (Sidhha) for curing the COVID-2019 by considering the petitioners representation dated 10.3.2020, 16.03.2020 and 21.03.2020 within the time stipulated by this court.

3. The learned Government Pleader submitted that after the Committee

of Experts, including the expert in the Siddha Branch also, as constituted under Government order No.405 dated 3 April 2020, the committee has already considered all these kinds of representations and has issued a detailed government order in G.O.No.201 dated 23 April 2020, providing for various kinds of medicines in various systems, including Alopathy, Homeopathy, Unany, Siddha etc. About the Siddha system of medicine, the said Government Order in G.O.No.201, particularly relating to immunity enhancement, provides for the following :-

Kabasura Kudineer/ Nilavembu Kudineer can be given with the prescribed adult doze at 60 ml to 90 ml and for children 30-45 ml once a day before food for a month.

4. During Convalescence period, in the Siddha System of medicine, the said notification includes inter alia, the following :-

1. Amukara Chooranam Mathirai - 2 tables twice a day after food or as directed by physician;
2. Nellikai Lekiyam 5 to 10 gms twice a day after food.

5. The petitioners still insisted that their representation be considered separately by the said committee.

6. Having heard the learned counsel for the petitioner and the petitioner in person and the learned Government Pleader, we are of the opinion that though a detailed government order in G.O.No.201 has already been issued by the State Government, considering all the relevant representations of various persons, the representation of the petitioners can still be considered by the concerned committee once again and they can be given an opportunity of hearing in this regard.

7. The learned Government Pleader pointed out that the third respondent in WP.No.7417 of 2020 viz., the Director, Directorate of Indian medicine and Homeopathy, Arumbakkam, Chennai 106 heads the said Committee, may be directed to consider such representations. The petitioners may submit their representation to the fourth respondent in W.P.No.7416 of 2020, the Director, Central Council for research in Siddha, Siddha Central Research institute, Arignar Anna Government Hospital Campus, Arumbakkam, Chennai 106

8. In the circumstances of the case, we dispose of the writ petitions by directing the petitioners to forward their representation to the fourth respondent in W.P.No.7416 of 2020, viz., the Director, Central Council for research in Siddha, Siddha Central Research institute, Arignar Anna Government Hospital Campus, Arumbakkam, Chennai 106 and he may forward the

representation of the petitioners with his comments to the committee headed by the Director, Directorate of Indian medicine and Homeopathy, Arumbakkam, Chennai 106. The Director, Indian Medicine and Homeopathy or the concerned Committee may provide an opportunity of hearing to the petitioners and after hearing them, consider their representations and pass appropriate orders in this regard, preferably within a period of one month from today. Copy of such orders passed by them may be supplied to the petitioners as well as be placed on the record of this court in compliance of the direction in the aforesaid writ petitions.

9. With these observations, the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary,
The Ministry of Health and
Family Welfare,
Nirman Bhavan,
New Delhi 110 011.

2.The Secretary,
The Ministry of Ayush,
Ayush Bhawan, GPO Complex,
New Delhi 110 023.

3.The Secretary,
The State of Tamil Nadu,
Department of Health and
Family Welfare,
Secretariat, Chennai-9.

4.The Director,
The Central Council for Research in
Siddha,
Siddha Central Research Institute,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai 600 106

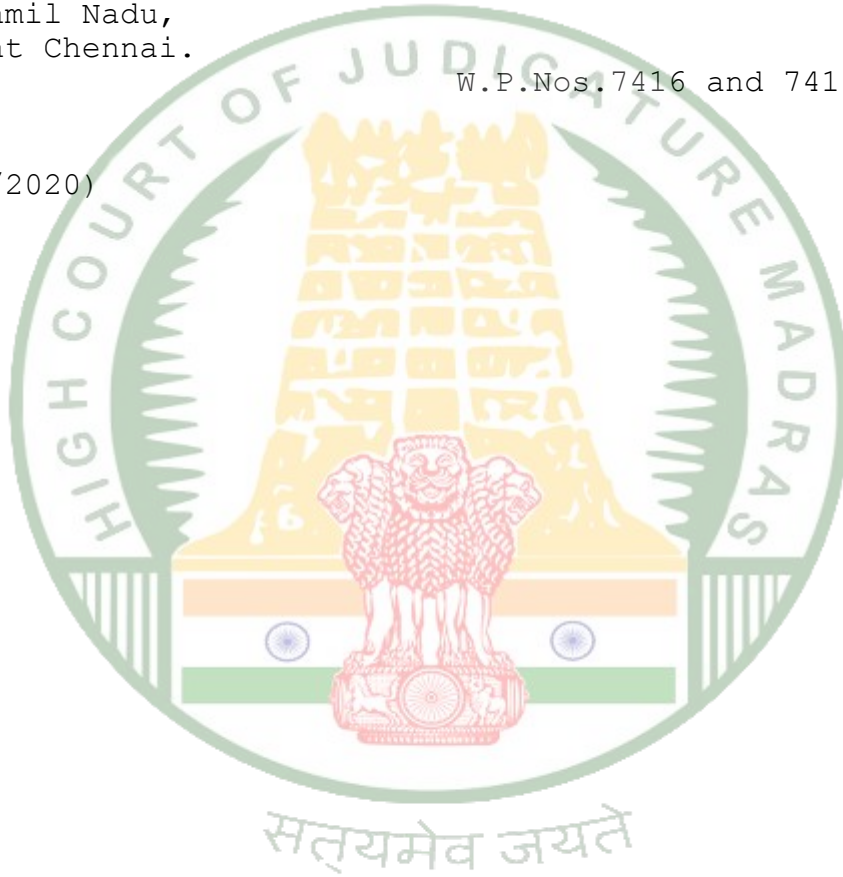
5. The Director,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai 106

6. The Director General,
Central Council for Research in Siddha,
Govt. Anna Hospital Campus,
Arumbakkam, Chennai 106.

7. The Principal Secretary,
Health and Family Welfare Department,
Govt of Tamil Nadu,
Secretariat Chennai.

W.P.Nos.7416 and 7417 of 2020

MP (CO)
GMY (21/10/2020)



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