

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.No.7444 of 2020

S.Matheswaran

... Petitioner

Versus

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2. Directorate of Public Health and
Preventive Medicine, Chennai-86.

3. Directorate of Medical and Rural
Health Services, Chennai-6.

4. Indian Council of Medical Research
V.Ramalingaswami Bhawan
P.O.Box No.4911,
Ansari Nagar, New Delhi -110 029, India.

5. Ministry of Ayush
Ayush Bhawan
B.Block, GPO Complex,
INA, New Delhi - 110 023.
(R4 and R5 Suo motu impleaded vide court order
dated 08.04.2020.)

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the representation given by the petitioner on 19.03.2020, 20.03.2020, 29.03.2020, 03.04.2020 to permit the petitioner to appear before the respondents/Expert Committee to explain about the Herbal Formulation ABIAIS-Virus Killer 180 and the Herbal Formulation can be issued through Government Health Care Institute as both Preventive and as a Curative/Supporting medicine.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.V.Jayaprakash Narayan,GP
for respondents 1 to 3
Mrs.N.Mala, for ICMR
Mr.V.Chandrasekaran for CGSC

ORDER
(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 30th April 2020, by Judges at the respective residence offices and the counsel, staff of the Court appearing from their respective residences.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. On the last occasion, a Coordinate Bench of this Court has made an observation that the learned counsel for the petitioner despite persuasion, was unable to answer the queries posed by the court as to the human trial by administering medicine /concoction said to have been developed by the petitioner viz., ABIAIS Virus Killer 180.

4. Again, on 8 May 2020, the following order was passed by this court :

Though the Indian Council for Medical Research (ICMR) was impleaded in the present case by the order of the court dated 8.4.2020, nobody has put up in appearance for ICMR.

2. The learned Government Pleader submits that some similar matters are coming up on 12.5.2020. Therefore, let this matter also may be posted on 12.5.2020. The petitioner may produce before the court appropriate Certificates from the competent Bodies showing competence and qualification to undertake such Research as has contended that he had developed the Herbal Formulation ABIAIS-Virus Killer 180 to clear the Corona Virus.

3. The previous order passed by this court on 23.4.2020 shows that the learned counsel for the petitioner, despite the persuasion of the court, failed to satisfy the court as to how human trials were conducted by him by administering the medicine/concoction. Even today, the petitioner could not explain the same to the court.

4. Therefore, we are not presently satisfied that the petitioner is competent and qualified to make such Research and if it all, it is not open to him to approach this Court for directing the Competent Authority for granting permission to make such research and then ask for consideration of his representation to use the same as a Medicine for Corona Virus.

Put up on 12.5.2020.

5. Today also, when the matter was heard, the learned counsel for the petitioner insisted upon direction being given to the Committee headed by the Director of Public Health and Preventive Medicine, the second Respondent herein and to allow him an opportunity of hearing and consider his representation in this regard.

6. The court again queried the learned counsel for the petitioner as to whether this kind of research, as alleged to have been undertaken by the petitioner, was undertaken with the permission of competent body and as to how human trial was conducted without any proper authorization and certification. The learned counsel for the petitioner was unable to satisfy the court and prayed for time.

7. We are not inclined to grant any relief to the petitioner in view of the fact that the petitioner is unable to satisfy the court on the research having been done with due authorization nor he has produced any certification thereof. In these circumstances, We cannot even direct the concerned Committee to consider the representation of the petitioner.

8. Leaving the petitioner free to take his own course for approaching the concerned competent authorities, we dispose of this writ petition, without direction by the court. There is no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2. Directorate of Public Health and
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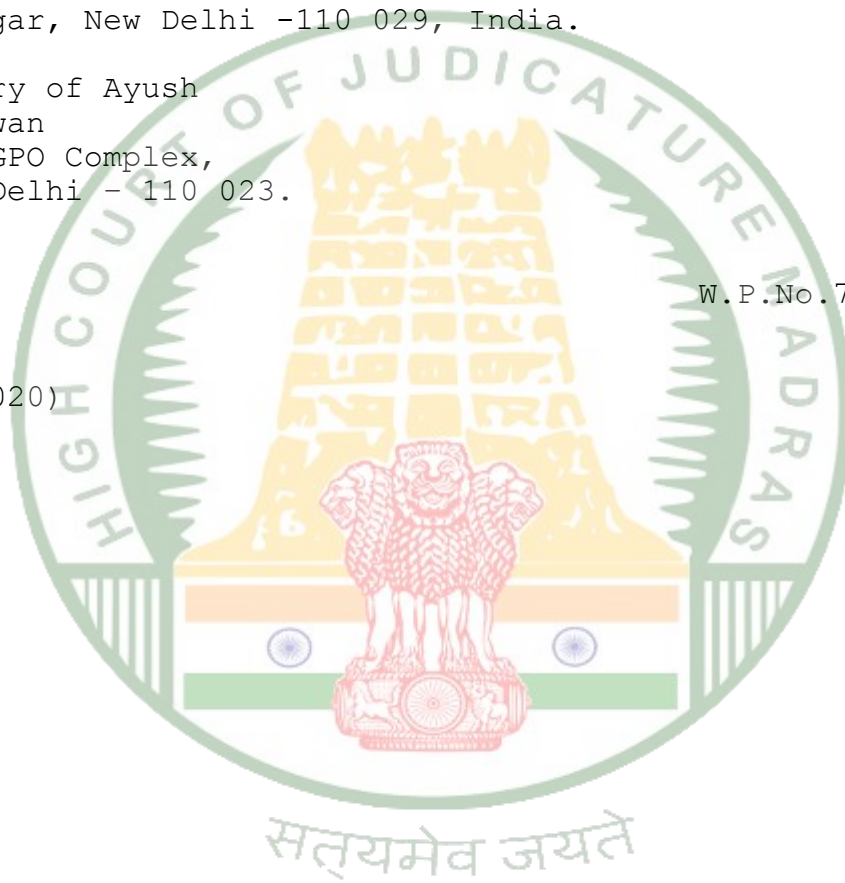
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