

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2020

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THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

W.P.No.7495 of 2020

K.Krishnan

... Petitioner

Versus

1.The Union of India,
Represented by Secretary to Government of India,
Public Health Department,
New Delhi- 110-001.

2.The Central Council for Research in
Ayurveda and Siddha(CCRAS),
61-65, Opp “D” Block
Janakpuri Institutional Area,
Janakpuri,
New Delhi – 110058.

3.National Institute of Siddha Study and
Research of Siddha Medicine,
Tambaram,
Chennai – 600 047.

4.The State of Tamil Nadu,
Rep by Secretary to Government of Tamil Nadu,

Public Health Department,
Chennai -600 009.

5.Thiru.Thanikasalam Veni,
Director.
(Rathna Siddha Hospital and Herbal Research Centre,
No.629 EVR High Road,
Arumbakkam,
Chennai – 600 106.

... 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 1 to 4 to check the VADHA SURE KUDINEER in the 3rd respondent institute after checking if it is fit for recover from CORONA VIRUS direct the respondents 1 to 4 to recommend the VADHA SURE KUDINEER for the CORONA VIRUS patients within a time to be stipulated by this Court.

For Petitioner : K.Krishnan
Party in Person

For R1 : Mr.G.Karthikeyan
Additional Solicitor General

For R4 : Mr.V.Jayaprakash Narayanan
Government Pleader

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ORDER

The Writ Petition, is styled as a Public Interest Litigation filed by a

practicing lawyer and in the affidavit filed in support of this Writ Petition, the petitioner/Party-in-Person/Advocate would aver among other things that he saw a you-tube video clipping on 29.03.2020, of the 5th respondent, who claims to be a Siddha Doctor and according to the said clippings “*Kaba Sura Kudineer*”, an Ayurvedic concoction/portion cure/control the virus pandemic and hence, prays for appropriate direction, directing the State as well as the Central Government to approve the same.

2.The petitioner/Party-in-Person also invited the attention of this Court to the contents of the affidavit filed in support of this Writ Petition and would plea that on account of the promulgation of Section 144 Cr.P.C notification, he was not in position. to submit the representation and since the present Writ Petition is filed as a Public Interest Litigation, this Court may not go into technicalities and prays for entertainment of the same and passing of appropriate orders.

3.Mr.V.Jayaprakash Narayanan, learned Government Pleader accepts

notice on behalf of the 4th respondent and would submit on earlier occasions similar kind of Writ Petitions were filed and orders came to be passed by permitting the petitioners to submit representations, which can be placed before the High Power Technical Committee which would go into the issue as to the effectiveness or otherwise of the Ayurvedic or Siddha preparations as to the control and abatement of COVID-19 pandemic.

4.Mr.G.Karthikeyan, learned Assistant Solicitor General accepts notice on behalf of the Central Government / respondents 1 to 3.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.The Ministry of Health and Family Welfare, Government of India had issued a detailed summary guidelines pertains to COVID-19 and it is relevant to extract guideline No.52:-

“AYUSH Ministry urges diligence in claims and initiates work for scientific and evidence-based solutions to fight COVID- 19

Ministry of Ayush has set up an online channel on its website for receiving suggestions based on scientific explanations and proposals on therapies and procedures prepared based on standard scientific guidelines that could restrain the spread of the Covid -19pandemic, or to manage the disease.

The Ministry has accordingly invited inputs from AYUSH practitioners and AYUSH institutions (institutions may include colleges/ universities, hospitals, research institutes, AYUSH manufacturers, AYUSH associations etc.). The inputs can be submitted on the Ministry's website at the following link: <http://ayush.gov.in/covid-19> (If the link doesn't work when you click on it, you may copy the same and paste in the address bar of your web browser.”

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7.In the light of the said guidelines, it is open to the persons or entities indicated in the said guidelines, to submit their reports, through

online portal as well as the High Power Technical Committee constituted by the State Government. The petitioner, though a practicing lawyer, cannot said to be an expert in the field of Ayush or other related medical fields.

8.In the result, this Writ Petition is dismissed, subject to the above observations. No costs.

(M.S.N.,J) (M.N.K.,J)
21.04.2020

Internet : Yes

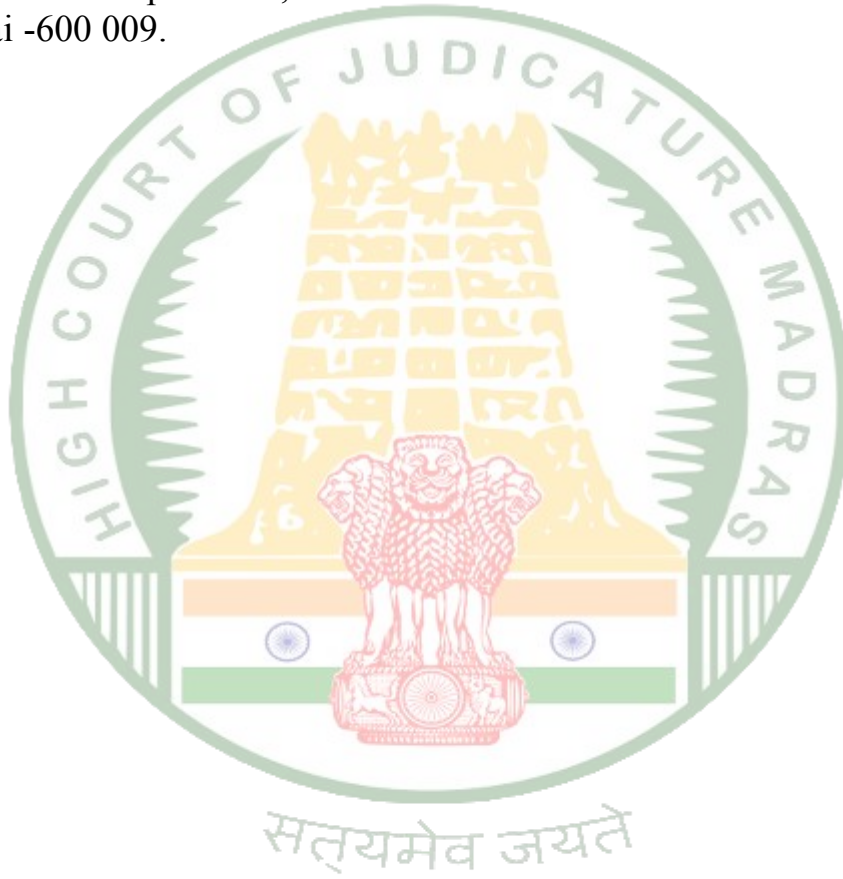
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To

- 1.The Secretary to Government of India,
The Union of India,
Public Heath Department,
New Delhi- 110-001.
- 2.The Central Council for Research in
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