

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9419 of 2020
and
W.M.P.No.11506 of 2020

A.Marimuthu Kumar ... Petitioner

vs

1. The District Collector,
The District Collector Office,
Coimbatore .
2. The Revenue Divisional Officer,
Revenue Divisional Office,
District Collector Office Premises,
Coimbatore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to de-seal the premises in D.No.7/3, LIG Colony, Mahalingapuram, Pollachi by considering the petitioner's representation dated 23.05.2020.

For Petitioner : Mr.D.R.Arunkumar

For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

This Writ petition is filed seeking for a Mandamus to direct the respondents to de-seal the premises in D.No.7/3, LIG Colony, Mahalingapuram, Pollachi by considering the petitioner's representation dated 23.05.2020.

2. It is stated that the petitioner completed UG degree in NGM Collage, Pollachi and had been certified as Siddha Medical Pandit (SMP) dated 15.08.2023. It is claimed by the petitioner that he did not project himself as a Siddha doctor before the general public, in turn, he suggested and prescribed the natural medicines only to his relatives and friends as a hereditary person from the Siddha family.

3. On the other hand, it is contended by the respondents that the petitioner was running a 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.213 of 2019 dated 18.12.2019 for the offence under sections 420 IPC and Section 15 of Indian Medical Council Act was registered on the file of Mahalingapuram Police station, Pollachi. 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. The petitioner has also given an undertaking at paragraph No. 8 of the affidavit as follows:

"2. I hereby undertake that I will not practice or suggest any medicines pertaining to Siddha, Ayurvedic or Herbal Medicines in the subject matter property unless obtaining appropriate authorization from the appropriate Authorities. I submit that the sealed premises remains sealed as such without any progress for several months and we could not able to foresee when the respondents will de-seal the premises in the manner known to law."

5. Since the petitioner has given the above undertaking, more particularly, by stating that he will not practice or suggest any medicines pertaining to Siddha, Ayurvedic or Herbal Medicines in the subject matter property, 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 given 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Vsi

To

1. The District Collector,
The District Collector Office,
Coimbatore .
2. The Revenue Divisional Officer,
Revenue Divisional Office,
District Collector Office Premises,
Coimbatore.

+1cc to Mr.D.R.Arunkumar, Advocate, S.R.No. 30308

W.P.No.9419 of 2020

VG II(CO)
GN(09/10/2020)