

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.30413 of 2018 and
W.M.P.No.35489 of 2018

P.Thanikachalam,
Son of R.Perumal,
Hindu, aged about 42 years,
residing at Old Kaman Koil Street,
Pathirapuliyur,
Dindivanam Taluk,
Villupuram District - 604 001.

Carrying on his Profession,
in the name and style of
Sri Krishna Clinic,
Chenge Main Road,
Theevanar,
Dindivanam Taluk,
Villipuram District - 604 001.

.... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. By its Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The State of Tamil Nadu,
Rep. By its Commissioner
and Secretary to Government,
Health and Family Welfare
Department, Fort St. George,
Chennai - 600 009.

3.The Director General of Police,
Kamarajar Road,
Mylapore,
Chennai - 600 004.

4.The Registrar,
Tamil Nadu Board of Indian Medicine,
Arignar Anna Government Hospital of
Indian Medicine Campus,
Arumbakkam,
Chennai - 600 106.

5.The Inspector of Police,
Rosanai Police Station,
Dindivanam Taluk,
Villupuram District - 604 001.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India for a Writ of Mandamus forbearing the Director General of Police, Kamarajar Road, Mylapore, Chennai - 600 004, namely the 3rd respondent herein from initiating any police action by labeling me as unqualified as I am a registered Indian Medical Practitioner and thus ensure the safety of my profession in the field of Indian System of Medicine in Ayurvedha now run in the name and style of Sri Krishna Clinic, Chenge Main Road, Theevanar, Dindivanam Taluk, Villupuram District - 604 001.

For Petitioner : No appearance

For Respondents : Mr.K.Prabakar,
Additional Public Prosecutor for R3 & 5

ORDER

The Writ Petition has been filed forbearing the Director General of Police, Kamarajar Road, Mylapore, Chennai - 600 004, namely the 3rd respondent herein from initiating any police action by labeling the petitioner as unqualified as he is a registered Indian Medical Practitioner and thus ensure the safety of his profession in the field of Indian System of Medicine in Ayurvedha and now running in the name and style of Sri Krishna Clinic, Chenge Main Road, Theevanar, Dindivanam Taluk, Villupuram District - 604 001.

2.The petitioner averred in the affidavit that he is the registered Indian Medical Practitioner and he is entitled to practise ayurveda. Therefore, there is no impediment to carry out his profession. While being so, the police authorities, without any basis, unnecessarily summoning the petitioner in respect of his practice in the ayurveda. He further stated that the 5th respondent repeatedly called upon the petitioner for enquiry and as such the petitioner's representation in the

society resulted in bad name and image.

3.The learned Additional Public Prosecutor appearing for the 3rd and 5th respondents would submit that the writ petition is not maintainable, since the petitioner anticipated the future complaint and sought for blank direction that too as against the Directorate General of Police, Chennai. Further he submitted that so far no complaint has been received from the society as against the petitioner herein.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 3 and 5.

5.Considering the submission made by the learned Additional Public Prosecutor, it is seen that the petitioner is a registered Indian Medical Practitioner in the field of Ayurveda medicine. Further, even till today no complaint has been received as against the illegal practice of the petitioner herein. Further, the petitioner prayed for the direction of directing the 3rd respondent forbearing or initiating any action as against the petitioner. Such a blanket order that too, anticipating the future complaint cannot be granted. Therefore, the writ petition is not maintainable. Even on merits, no complaint has been received so far as against the petitioner's practise in his locality. Therefore, this Court is not inclined to entertain the Writ Petition. Accordingly, the Writ Petition stands dismissed. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/
Sub Asst. Registrar

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To
1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner and Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare
Department, Fort St. George,
Chennai - 600 009.

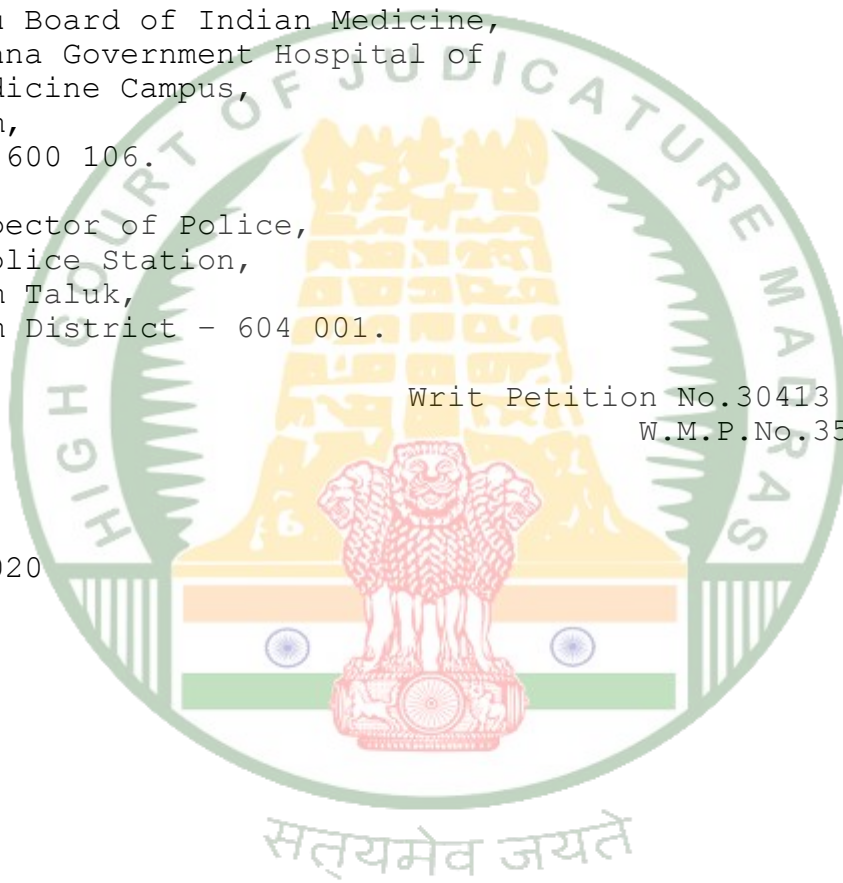
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