



WEB COPY

W.A.(MD)No.421 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.A.(MD)No.421 of 2020
against WP(MD)No.21628 of 2018

Alternative Medical Practitioners Association
Rep. by its President,
Dr.N.Selvam

:Appellant/Petitioner

Vs.

- 1.The Secretary,
Ministry of Health and Family Welfare,
New Delhi.
- 2.The Secretary
Dept. of Health and Family Welfare,
Secretariat,
St. George Fort,
Chennai.
- 3.The Director,
Directorate of Indian Medicine & Homeopathy (AYUSH)
Arumbakkam, Chennai.
- 4.The Registrar,
Tamil Nadu Siddha Medical Council
Arumbakkam,
Chennai.
- 5.The Director General of Police,
Chennai.
- 6.The District Collector,
Kanyakumari District.
Kanyakumari.

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.21628/2018 dated 19.12.2019.

Prayer in WP.No.21628 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents herein not to

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W.A.(MD)No.421 of 2020

Medicine by the Members of the petitioner's Association duly qualified by not entering and harassing the members of his Association with a view to stop their practice of the Alternative System of Medicine without following due process of law on the basis of his representation dated 01.10.2018.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.V.Malaiyendran for R1
Central Government Standing counsel

Mr.R.Sethuraman for R2, R3, R5 and R6
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by P.N.PRAKASH,J.)

In the opinion of this Court, a blanket prayer for a direction as sought for by the appellant in the writ petition cannot be granted, inasmuch as if the members of the appellant association are found to have violated the penal law, they will have to face the music. If such a mandamus as prayed for by the appellant in the writ petition is accepted, it will be a cloak for the members of the appellant Association to escape from the clutches of law. That apart, earlier, the appellant had filed W.P(MD) No.20623/2018, which came to be dismissed as withdrawn by the appellant vide order dated 27.09.2018 without granting any liberty to file a fresh writ petition. Thereafter, the appellant filed another writ petition in W.P.(MD) No.21628/2018, which was also dismissed. The appellant cannot file another writ petition for the same cause of action. We have no reasons to disagree with the reasonings given by the learned single Judge. Hence, on the aforesaid two grounds, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Ministry of Health and Family Welfare, New Delhi.

2.The Secretary, Dept. of Health and Family Welfare,
Secretariat, St. George Fort, Chennai.

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W.A.(MD)No.421 of 2020

- 3.The Director,
Directorate of Indian Medicine & Homeopathy (AYUSH)
Arumbakkam, Chennai.
- 4.The Registrar,
Tamil Nadu Siddha Medical Council, Arumbakkam, Chennai.
- 5.The Director General of Police, Chennai.
- 6.The District Collector,
Kanyakumari District, Kanyakumari.

+1cc to Mr.V.Malaiyendran, Advocate SR.No.11664
+1cc to Mr.N.Anandakumar, Advocate Sr.No.12119

AKM/07.05.2020 /2P-9C/

Order made in
W.A.(MD)No.421 of 2020