



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.1956 of 2018

K.Jayapandi

... Petitioner

-Vs-

1.The Registrar
Tamilnadu Medical Council,
Chennai.

2.The Registrar,
Annamalai University,
Annamalai Nagar
Chidambaram

3.The Joint Director,
Health Department
Karur

4.The Inspector of Police,
K8 MMDA Police Station,
Arumbakkam, Chennai.

... Respondents

(R4 has been suo motu impleaded
as per the order of this Court dated 22.09.2020)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to remove the seal for the petitioner's clinic situated in Jayam Clinic, Govindam Palayam, Kovai Road, Karur.

For Petitioner	: Mr.K.Govindarajan
For Respondents	: Mr.C.Karthick for R1 standing counsel Mr.C.Venkatesh Kumar for R2 for M/s.Ajmal Associates Mr.K.P.Krishnadoss for R3 & R4 Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition seeking a direction to the 3rd respondent to remove the seal for the petitioner's clinic situated in Jayam Clinic, Govindam Palayam, Kovai Road, Karur.

2.The case of the petitioner in nutshell is as follows:

The petitioner has joined his MBBS course at Annamalai University in the year 2001 and completed in the year 2006 and as per the certificate issued by the first respondent, he claims that he is a medical practitioner and running a clinic. While so, on



30.10.2018, the third respondent has locked the premises of the petitioner stating that he is neither possessing valid MBBS degree nor a medical practitioner. Seeking a direction to the third respondent to remove the lock and seal, the petitioner is before this Court.

WEB COPY

3. On 15.10.2020, when the matter was taken up for hearing and when the bogus certificate was pointed out, the petitioner has wriggled out of the situation and wanted to withdraw the writ petition. However, this Court refused to permit the petitioner for such withdrawal and passed the following order:

"When the matter is taken up for hearing, it is represented that the petitioner may be permitted to withdraw the Writ Petition. This Court refused to permit withdrawal of the Writ Petition on the ground that the documents produced by the petitioner are forged documents. When this was found out by this Court based on the arguments of the learned Counsel appearing for the first respondent, this Court expressed displeasure that the fourth respondent has not taken custody of the petitioner, as FIR has been registered as early as on 23.03.2018. This Court feels that it will be highly dangerous to the society if the so-called Doctors and other professionals, including Advocates are allowed to practise with fake certificates.

2. The learned Counsel appearing for the petitioner as well as the learned Counsel appearing for the respondents submitted that the petitioner has been taken into custody this morning from his residence at Aravakurichi to be produced before the jurisdictional Magistrate at Madras.

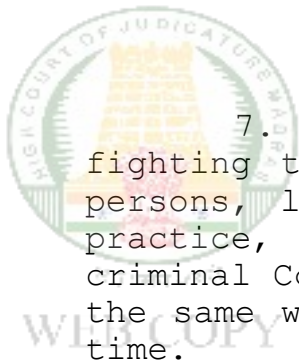
3. The learned Counsel appearing for the petitioner is expected to address his arguments as it is reiterated that the petitioner will not be permitted to withdraw the Writ Petition and it is the discretion of the Court to allow withdrawal of the matter.

4. Post the matter on 19.11.2020."

4. Pursuant to the said order dated 15.10.2020, the petitioner has been taken to custody by the fourth respondent.

5. Today also, the learned counsel for the petitioner made a submission that he has no instructions and wanted to withdraw the writ petition.

6. Since the matter has been posted on several occasion and there is prima facie materials to show that the petitioner has furnished bogus documents and that he is not a Doctor possessing valid MBBS certificate and that he is one drop of poison in the medical profession, criminal proceedings already initiated has to be proceeded and the issue should be brought to the logical end.



7. When there are several Government Doctors, who are fighting to save the lives during COVID-19 pandemic situation, if persons, like the petitioner with bogus documents, are allowed to practice, they would be more dangerous than the COVID virus. The criminal Court shall take the matter on day-today basis and conclude the same without adjourning beyond 15 working days at any point of time.

8. As the bogus persons identity may not be known to the public, the petitioner's photograph has to be widely published, so that the public know that they should not approach him at any point of time in their interest as well as the welfare of their family. The lock and seal made by the respondents is perfectly correct and does not warrant any interference at the hands of this Court.

9. With the above observations and directions, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Registrar
Tamilnadu Medical Council,
Chennai.
2. The Registrar,
Annamalai University,
Annamalai Nagar
Chidambaram
3. The Joint Director,
Health Department, Karur
4. The Inspector of Police,
K8 MMDA Police Station,
Arumbakkam, Chennai.

+1 CC to M/s.SPL GP (SR-22412[F] dated 20/11/2020)

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19.11.2020

KG (CO)

KB (11.12.2020) 3P 6C

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