



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.10455 of 2018

and

W.M.P. (MD) .Nos.9556 and 9557 of 2018

WEB COPY

K.S.C.Murugaraja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Health Secretary,
Health Department,
St.George Fort,
Chennai-19.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Registrar,
Tamilnadu Medical Council,
D Block, First Floor, TNHB Complex,
Jawakarlal Nehru Salai,
Vadapalani, Chennai-26.

4.The Registrar,
Tamilnadu Siddha Medicine Council,
Arumpakkam,
Chennai.

5.The Superintendent of Police,
Thanjavur District,
Thanjavur.

6.The Inspector of Police,
Swamimalai Police Station,
Swamimalai.

7.Bashier Ahamed

8.Roja Bashier

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to prevent the respondents 7 and 8 to practice



any mode of therapy in the name of acupuncture without any authority of law.

For Petitioner : Mr.A.Raja

For Respondents : Mr.K.Sathyasingh

Additional Government Pleader
for R1 to R6

Mr.M.S.Jeya Karthick
for R7 and R8

WEB COPY

ORDER

This writ petition has been filed for issuance of a direction to the respondents 1 to 6 to prevent the respondents 7 and 8 to practice any mode of therapy in the name of acupuncture without any authority of law.

2. Heard both sides.

3. The case of the petitioner is that the petitioner is a physically challenged person and his brother, namely, K.S.C.Haribalan, is aged 31 years. When his brother was suffering from inflammation, the petitioner's family approached the respondents 7 and 8 to treat his brother. At that time they introduced themselves as Acupuncture Doctors practising in the field of Acupuncture Therapy more than a decade and they are running hospitals in various places in and around Thanjavur District and Kadalur District apart from Trichy District. At their instigating the petitioner took scan for his brother and after getting the scan report, they conveyed the petitioner that his brother has got cancer inflammation and it would be cured through their treatment called "Thoduvazhi Sihichai" and they demanded Rs.3,00,000/- as fees for the said treatment. On their false promise, the petitioner and his family members admitted his brother in their hospital and paid upto Rs.4,00,000/- as and when they demanded for treatment. They treated his brother from December 2016 to May 2017, but all ended in vein and there was no improvement in his health condition. Therefore, the petitioner admitted his brother in the Kaveri hospital at Trichy and paid Rs.2,00,000/- for further treatment, but since the cancer spread to his brain and lungs, his condition was critical, and finally, they admitted him at Kumabakonam Anbu Hospital and atlast, on 05.07.2017, his brother lost his breath. Thereafter, the petitioner lodged a complaint before the sixth respondent on 20.07.2017 against the respondents 7 and 8/Quack Doctors and their medical treatment without obtaining a valid degree or proper qualification either under Indian Medical Degrees (Madras Amendment Act 1940 or Drugs and Cosmetic Rules 1945 and Tamilnadu Siddha System of Medicine (Development and Practitioners) Act, 1997 and without enrolling their names in the statutory body of these Councils, which are established by the State and Central Government. But, the sixth respondent asked him to compromise with the respondents 7 and 8. Thereafter, the petitioner served a counselled representation on 23.08.2017 to the official



respondents including the Chief Minister's cell and thereafter, the petitioner approached this Court.

4. Learned counsel for the petitioner would submit that according to the judgment of the Hon'ble Apex Court in the case of **Poonam Verma vs. Aswhin Patel and others, reported in 1996 AIR 2111**, "Quack doctor means a person, who does not have knowledge of a particular system of medicine but practices in that system and a mere pretender to medical knowledge or skill or to put it differently as charlatan". Hence, he prayed that it would suffice, if the representation of the petitioner dated 23.08.2017 is disposed of by the respondents at the earliest, after providing adequate opportunity to the petitioner.

5. Learned Additional Government Pleader appearing for the respondents 1 to 6 would submit that the respondents are prepared to consider the representation of the petitioner and pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents, more particularly, the second respondent to consider the representation dated 23.08.2017 submitted by the petitioner and to pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order, if there is no legal impediment to do so. It is needless to state that the respondents 7 and 8 must also be heard.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1. The Health Secretary,
State of Tamil Nadu,
Health Department,
St.George Fort, Chennai-19.



2.The District Collector,
Thanjavur District, Thanjavur.

3.The Registrar,
Tamilnadu Medical Concil,
D Block, First Floor, TNHB Complex,
Jawakarlal Nehru Salai,
Vadapalani, Chennai-26.

4.The Registrar,
Tamilnadu Siddha Medicine Council,
Arumpakkam, Chennai.

5.The Superintendent of Police,
Thanjavur District, Thanjavur.

6.The Inspector of Police,
Swamimalai Police Station,
Swamimalai.

+1 CC to M/s.GP (SR-22927[F] dated 26/11/2020)

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-22846[F] dated 26/11/2020)

**W.P (MD) No.10455 of 2018
24.11.2020**

TP (CO)
KK(22.12.2020) 4P 9C