



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NOS.9648 OF 2006 AND 23783 OF 2010

AND

W.M.P.NOS.575 OF 2010 AND 25273 OF 2017

M.P.NOS.1 TO 3 OF 2010

W.P.No.9648 of 2006:

Tamilnadu Siddha Medical Graduates Association,
Rep by its President,
354, 19th Cross Street,
NSK Nagar,
Chennai-600 106.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Secretary to Government,
Health Department
Fort St. George,
Chennai-600 009.

2.Indian Medicine Central Council,
Institutional Area,
Janakpuri, New Delhi-110058.

3.The Tamilnadu Siddha Medical Council
Arignar Anna Hospital,
Arumbakkam, Chennai-600 106.

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

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the fourth respondent, his men or subordinates from interfering with the practice of Indian System of Medicine as supplemented by the Central Council of Indian Medicine by the members of the petitioner Association and from initiating any kind of penal action against the members of the petitioner Association.



For Petitioner : No Appearance
For R1, R3 and R4 : Mrs.N.Senthil Selvi
Government Advocate
For R2 : No Appearance

W.P.No.23783 of 2010:

Indian Medical Association,
Tamil Nadu State Branch,
Rep. by Dr. T. N. Ravishankar M.B.B.S.,
Honorary Secretary,
Chennai.

...Petitioner

Vs.

State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Health and Family Welfare,
Fort St. George, Chennai - 9.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the respondent's G O (MS) No. 248 dated 08.09.2010, by which other system practitioners are permitted to practice modern medicine, quash the same.

For Petitioner : No Appearance
For Respondent : Mrs.N.Senthil Selvi
Government Advocate

COMMON ORDER

The relief sought for in the present writ petitions is to forbear the 4th respondent/Director General of Police from interfering with the practice of Indian System of Medicine as supplemented by the Central Council of Indian Medicine by the members of the petitioner Association and from initiating any kind of penal action against the members of the petitioner Association.

2. The Police authorities are empowered to initiate action if any illegalities are identified. The general relief in the nature of an injunction sought for by the petitioner Association cannot be granted by this Court. If at all any member of the Association is aggrieved from and out of any of action by the



authority, then alone writ is entertainable. Such general prayer cannot be granted. Furthermore, the medical practitioners must possess valid license from the statutory authorities. In the absence of any such valid license or otherwise, the enforcing authorities are competent to initiate all appropriate actions. Therefore, the writ petitions filed by the Association itself are not entertainable and only an aggrieved person is entitled to file a writ petition. Under these circumstances, the relief sought for which is in general nature cannot be considered by this Court.

3. Accordingly, the Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Jeni/Cse

To

1. The Secretary to Government,
The State of Tamil Nadu,
Health Department
Fort St. George,
Chennai-600 009.
2. Indian Medicine Central Council,
Institutional Area,
Janakpuri, New Delhi-110058.
3. The Tamilnadu Siddha Medical Council,
Arignar Anna Hospital,
Arumbakkam, Chennai-600 106.
4. The Director General of Police,
Kamarajar Road,
Mylapore, Chennai-600 004.
5. The Secretary to Government,
State of Tamilnadu,
Department of Health and Family Welfare,
Fort St. George, Chennai - 9.

+1cc to the Government Pleader SR.No.68718

W.P.Nos.9648 of 2006
and 23783 of 2010

PVS (CO)
RVM(06/01/2022)