



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 6704 of 2020

J. Krishnakumar

...Petitioner

Versus

1. Tamil Nadu Medical Council  
Rep by its Registrar  
New No. 914, Old No. 569  
Ponnamallee High Road  
Arumbakkam  
Chennai - 600 106

2. Dr. R. Sendilkumar

3. The Deputy Superintendent of Police  
Pollachi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 24.02.2018

For Petitioner :Mr. V. Raghavachari

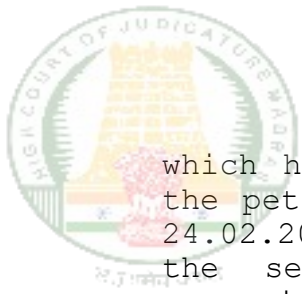
For Respondents :Mr. Stalin Abhimanyu  
Government Counsel (For R3)

R1 & R2 :No Appearance

O R D E R

The present writ petition has been filed praying to issue a Writ of Mandamus directing the first respondent to consider the representation dated 24.02.2018 of the petitioner.

2. According to the petitioner, he is filing this writ petition with a bonafide intention in the larger interest of the society. It is his contention that the second respondent, who claims to be a holder of M.B.B.S degree is running a clinic in the name and style of Sugar Polyclinic at No.201, KDK Lodge Building, Market Road, Pollachi. The second respondent is performing surgeries for bone fracture without any qualification to do so. It is complained by the petitioner that the second respondent is proclaiming himself as an Ortho Physician for



which he does not possess any qualification. In this context, the petitioner has given a complaint to the first respondent on 24.02.2018. On coming to know about the petitioner's complaint, the second respondent had appended to his name in the prescription pad as Dr. Sendhilkumar, M.B.B.S., and also by adding the names of Dr. C.J. Arun Raja, D. Ortho, DNB Ortho in the name board of the polyclinic. Even though a notice dated 12.07.2018 was sent by the first respondent calling upon the second respondent to submit his explanation, thereafter, no action has been taken, hence, the present writ petition is filed.

3. The learned counsel for the petitioner submits that on the basis of the representation dated 24.02.2018 of the petitioner, the first respondent issued a notice dated 12.07.2018 to the second respondent, by marking a copy of the notice to the petitioner. However, thereafter, nothing was heard from the first respondent. The petitioner therefore sent a representation dated 20.07.2018 to the first respondent to take appropriate action against the second respondent, but so far, no action has been taken thereof. The learned counsel for the petitioner therefore prayed this Court to issue appropriate direction to the first respondent.

4. Heard the counsel for the petitioner and the learned Government Counsel for the third respondent. The petitioner raised serious allegations against the second respondent in his representation dated 24.02.2018 that the second respondent, without any qualification, is running a Clinic and also performing bone surgeries. Even though the first respondent sent a notice dated 12.07.2018 to the second respondent calling upon him to submit an explanation, it is not known as to whether any explanation has been offered by the second respondent or any further action taken by the first respondent. Having regard to the above facts, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 24.02.2018 and 20.07.2018 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to all concerned, within a period of six weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Registrar  
Tamil Nadu Medical Council  
New No. 914, Old No. 569  
Ponnamallee High Road  
Arumbakkam  
Chennai - 600 106

2. The Deputy Superintendent of Police  
Pollachi

+1 CC to Mr.V. Raghavachari, Advocate sr 45742.

+1 CC to The Government Pleader sr 45862.

WP No. 6704 of 2020

SVI (CO)  
SP (20/10/2021)