

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.16373 OF 2010

AND

M.P.NO.1 OF 2010

Kongu Mandala Paramparia
Siddha Maruthuvarkal Sangam,
Rep.through its President,
Dr.P.Selvakumar,
No.81, Seetapalayam Road,
Kundadam, Tiruppur District.

... Petitioner

.Vs.

1. The Government of Tamilnadu,
Through its Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Chennai.
3. The Tamilnadu Siddha Medical Council,
Through its Registrar,
Arignar Anna Government Hospital
of Indian Medicine,
Arumbakkam, Chennai - 600 010.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st and 2nd respondents their subordinates, from initiating Criminal Proceedings against the Siddha Practitioners registered with the 3rd respondent in any manner other than in strict Compliance of Section 30 of Tamilnadu Siddha System Medicine (Development and registration of Practitioners) Act 1987 Act No.34/1997.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.R.Kumaravel
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the 1st and 2nd respondents from initiating criminal proceedings against the members of the Petitioner Sangam.

2. Heard Mr.N.Umapathi, learned counsel for the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader for respondents.

3. In the present case, a Sangam has approached this Court on the ground that its members are Siddha practitioners registered before the 3rd respondent. It is stated that the members of the Sangam possess necessary qualification as provided under the Tamil Nadu Siddha System of Medicine (Development and Registration of Practitioners) Act, 1997 Act.No.34/1997 and if at all there is any violation, it is only the 3rd respondent, who can initiate action against the members of the Sangam and the 1st and 2nd respondents do not have the power or jurisdiction to harass the Siddha practitioners.

4. In the considered view of this Court, a blanket relief has been sought for in this writ petition. This Court cannot presume that all the Siddha practitioners are being harassed by the police more particularly since a counter affidavit has been filed by the 2nd respondent to the effect that police authorities are not harassing the practitioners of Siddha, who are properly registered under the relevant enactment and who possess the necessary qualification. If at all any Siddha practitioner is harassed, it can be an individual cause of action for that person to knock the doors of the Court and a blanket order can never be issued by a Court exercising its jurisdiction under Article 226 of the Constitution of India.

5. The nature of relief that has been sought for in this writ petition by a Sangam is not maintainable and this Court is not inclined to grant the relief as sought for in this writ petition.

6. In the result, this writ petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary to Government,
The Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Chennai.
3. The Registrar,
The Tamilnadu Siddha Medical Council,
Arignar Anna Government Hospital
of Indian Medicine,
Arumbakkam, Chennai - 600 010.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.39546
+1cc to the Government Pleader, S.R.No.39857

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GPL(CO)
PBS/13/07/2022