



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.9683 OF 2009
AND MP NO.1 OF 2009

The Pondicherry Dentists Association
Rep. by its President
Dr.Krishnan Unni
No.111, Lal Bahadur Sastri Street,
Pondicherry.

... Petitioner

Vs.

1. The Government of Pondicherry
Rep. by its Secretary (Health)
Pondicherry.
2. The Government of Tamil Nadu
Rep. by its Home Secretary
Fort St. George,
Chennai.
3. The Director General of Police
Tamil Nadu
Chennai.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents, their men and subordinates from in anyway disturbing or interfering with peaceful practice of the members of the Petitioner Association as Dentists by running their clinics and Hospitals.

For Petitioner : Mr.Kasirajan
for Ms.P.Indumathi

For Respondent-1: Mr.J.Kumaran
Addl. Government Pleader (Pondy)



For Respondents
2 and 3

: Mr.M.Rajendran
Additional Government Pleader

O R D E R

WEB COPY

The petitioner is an Association of Dentists practising in Puducherry. Alleging that the Members of it's Association were prevented from carrying on their profession by the respondents on the pretext that they were not registered, the petitioner is before this Court.

2.It appears that when the writ petition was filed in the year 2009, the State Dental Council was not constituted by the first respondent Puducherry Government.

3.When the matter is taken up for final hearing today, the learned Additional Government Pleader would submit that the Government vide G.O.Ms.No.61, dated 04.08.2010, in exercise of its powers conferred under Section 21 of the Dentists Act, 1948, has constituted the State Dental Council and so many Dentists, who have registered with the Dentists Registration Tribunal have approached the State Dental Council and got themselves registered. The Dentists Registration Tribunal also handed over the Register of Dentists in Part-B to the State Dental Council. The Dentists, whoever registered themselves before the State Dental Council, carrying on their profession without any interference from any quarter.

4.It is noted that the present writ petition filed in 2009 is only for a writ of mandamus, forbearing the respondents from in anyway disturbing or interfering with the peaceful practice of the Members of the Petitioner Association as Dentists by running their clinics and Hospitals. Now that in accordance with the Dentists Act, 1948, the State Dental Council has been constituted and it is always open to the Members of the petitioner / Association to register themselves as Medical Practitioners and carry on their business.

5.Considering the subsequent developments, the petitioner / Association is directed to approach the State Dental Council for their remedies. In the event the Members of the petitioner / Association, got registered with the State Dental Council, the respondents shall not interfere with the practice of the Members of the petitioner / Association as Dentists and running the clinics and hospitals. If the Members of the petitioner / Association have any grievance, they can very well approach the Appellate Authority and after exhausting all the alternative remedies available under the Act, they can approach this Court, if they still have any grievance.



6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1. The Secretary (Health)
Government of Pondicherry
Pondicherry.
2. The Home Secretary
Government of Tamil Nadu
Fort St. George,
Chennai.
3. The Director General of Police
Tamil Nadu
Chennai.

+1cc to Mr.Kasirajan, Advocate, S.R.No.17665
+1cc to the Government Pleader, S.R.No.17899

WP NO.9683 OF 2009

BR(CO)
PM/06/04/2022