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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.12242 OF 2022

Dr.C.Somasundaram

.. Petitioner

Versus

1. The Registrar
Tamil Nadu Board of Indian Medicine
Arignar Anna Government Hospital of
Indian Medicine Campus
Arumbakkam
Chennai - 600 106
2. The Tahsildar
Bhavani Taluk
Erode District
3. The Inspector of Police
Appakoodal Police Station
Erode District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to de-seal the premises situated at No.3/206, Bhavani Main Road, Orichri Post, Bhavani Taluk, Erode District established in the name and style of Gokul Hospital based on the petitioner's representation dated 20.04.2022.

For Petitioner : Mr.S.Santhosh

For Respondents : Mr.S.Prabakaran
Government Advocate

O R D E R

The present writ petition has been filed praying for issuance of a Writ of Mandamus directing the second respondent to de-seal the premises situated at No.3/206, Bhavani Main Road, Orichri Post, Bhavani Taluk, Erode District established in the



name and style of Gokul Hospital based on the petitioner's representation dated 20.04.2022.

2. According to the petitioner, he is a retired District Siddha Medical Officer. After retirement, he has started his private practice in the field of Siddha medicine. At that time, one Devaraj approached him and submitted that he was a registered Indian Medical Practitioner engaged in the field of Ayurveda, however, he was disturbed from practicing his profession which prompted him to file WP No. 39413 of 2015 before this Court and by order dated 27.01.2022, the writ petition was dismissed by this Court. It is further stated by the petitioner that during the pendency of the said writ petition, the said Devaraj did not engage himself as a Medical Practitioner in Ayurveda and he mooted the idea of establishing an Ayurvedic Centre. Accordingly, the petitioner entered into a lease agreement with the said Devaraj on 05.01.2022 to run an Ayurvedic Center namely "Gokul Hospital" at No.3/206, Bhavani Main Road, Orichri Post, Bhavani Taluk, Erode District. Pursuant to such lease agreement, he has been running the said hospital. While so, on 19.03.2022, the second respondent, without any notice, visited the hospital, recorded the statement of one Uma Maheswari, who is working as Physiotherapist and thereafter locked the premises. Feeling aggrieved, the petitioner sent a representation to the second respondent on 20.04.2022, requesting to desal the same. However, the said representation is pending without any consideration, till date. Therefore, this writ petition.

3. Heard the learned counsel for the petitioner, who submitted that the sealing of the subject premises by the second respondent, without any prior notice to the petitioner, is arbitrary and uncalled for. The learned counsel further submitted that this Court by order dated 27.01.2022, in W.P. No. 39413 of 2015 etc. filed by the said Devaraj and others, recorded the following observation:

"3.Counter affidavit filed by the 4th respondent / Registrar, Tamil Nadu Board of Indian Medicine reveals that the petitioners are not registered Medical Practitioners in the Tamil Nadu Board of Indian Medicine. The registration numbers quoted in the affidavits filed in support of the writ petitions are bogus one and the same were not issued by the Board and therefore, the petitioners are bogus doctors. Thus, they are not entitled to practice Indian System of Medicine. The counter affidavit further states that the petitioners are not the Registered Indian Medical Practitioners and therefore, the petitioners cannot



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practice Ayurveda. The action of the local police is just and correct and such actions are initiated to protect the innocent public from the clutches of these quacks. When the counter affidavit filed by the Tamil Nadu Board of Indian Medicine categorically states that the petitioners are bogus doctors and they are quoted bogus registration numbers even in the affidavits filed in support of the writ petitions, this Court is of an opinion that serious actions are required. The question of considering the other allegations set out in the writ petitions do not arise at all as the respondents clarified that the petitioners are not registered practitioners and the registration numbers given in the affidavits are also bogus. This being the factum. The respondents are directed to initiate all further actions by following the procedures as contemplated in law. In respect of the allegations of quoting wrong registration numbers in the affidavits filed in support of the writ petitions, the Police authorities are empowered to initiate further action in the manner known to law and the bogus doctors at no circumstances be allowed to practice Medicine either Ayurveda or Indian Medicine and effective steps are to be taken to prevent all such bogus doctors who are all practicing by quoting bogus/ wrong registration number or otherwise."

Stating so, the learned counsel prayed for appropriate direction to the respondent authorities to consider the claim of the petitioner.

4. On the other hand, the learned Government Advocate taking notice for the respondents 1 and 2 submitted that any person practising medicine of any discipline without having valid registration certificate, will never be permitted to practice. He further submitted that the respondent authorities would verify, as to whether the petitioner's hospital is being run by any unauthorised person claiming to be medical practitioner and thereafter, pass appropriate orders, with regard to the claim of the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent herein to consider the petitioner's representation dated 20.04.2022 and pass appropriate orders on merits and in accordance with law and also in the light of the order passed by this Court in W.P. No. 39413 of 2015 etc. cases dated 27.01.2022, after providing an opportunity of hearing to the petitioner as well as any other



interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The Registrar
Tamil Nadu Board of Indian Medicine
Arignar Anna Government Hospital of
Indian Medicine Campus
Arumbakkam
Chennai - 600 106
2. The Tahsildar
Bhavani Taluk
Erode District
3. The Inspector of Police
Appakoodal Police Station
Erode District

+2ccs to Mr.S.Santhosh, Advocate, S.R.No.31156

+1cc to the Government Pleader, S.R.No.31311

W.P.No.12242 of 2022

JPL(CO)
RLP(20/05/2022)