



W.P.No.27020 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.27020 of 2014

and

M.P.No.1 of 2014

All India Board of Alternative Medicine,
Represented by its President
Dr.P.Devasahayam,
Administrative Office,
Plot No.13, Kumaran Nagar II,
Pollachi, Coimbatore District - 642 001.

... Petitioner

Vs

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, George Fort,
Chennai - 600 009.

(R1 Struck off as per the order of this
Court in W.P.No.27020 of 2014
dated 10.10.2014.)

2.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.



W.P.No.27020 of 2014

3. The Secretary of Medical Department,
Government of Tamil Nadu,
Secretariat, George Fort,
Chennai - 600 009.

4. The Secretary of Home Department,
Government of Tamil Nadu,
Secretariat, George Fort,
Chennai - 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to forbear the respondents from interfering with the professional practice of such of those members of the petitioner's societies who are eligible to practice in irrespective of the respective system of Alternative Medicine such as Siddha, Ayurvedha, Homeopathy, Unnani, Naturopathy and other alternative medicine system prevailed in India by considering the petitioner representation dated 05.08.2014.

For Petitioner	: Mr.R.Marudhachalamurthy
For Respondents	:
For R1, R2 & R4	: Mrs.P.Rajarajeswari Government Advocate
For R3	: Mr.Stalin Abhimanyu Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus, to forbear the respondents from interfering with the professional practice of such of those members of the petitioner's societies who are eligible to practice in irrespective



W.P.No.27020 of 2014

of the respective system of Alternative Medicine such as Siddha, Ayurvedha, Homeopathy, Unnani, Naturopathy and other alternative medicine system prevailed in India by considering the petitioner representation dated 05.08.2014.

2. This writ petition is opposed by the respondents on the ground that the writ petition has been filed by the petitioner in his individual capacity and that there are no medical graduates with the petitioner holding 5 and half years formal decree course like B.S.M.S., B.A.M.S., B.U.M.S., and B.N.Y.S. Hence, it is prayed that the writ petition be dismissed.

3. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Government Advocate for the first, second and fourth respondents and the learned Additional Government Pleader for the third respondents. I have also perused the counter affidavit filed by the third respondent.

4. The prayer of the petitioner for a blanket relief to not to interfere with the petitioner's All India Board of Alternative Medicine cannot be granted. At



W.P.No.27020 of 2014

the same time, the respondents also cannot interfere with the petitioner's avocation, if qualified persons are enrolled with the petitioner.

5. The writ petition is of the year 2014. The petitioner appears to have given a representation on 05.08.2014 giving the particulars. The deponent has refixed the expression 'Dr' before his name. It is not clear whether the deponent who claims to be the founder of the petitioner's society is himself as a qualified physician/doctor holding the requisite qualification.

6. Considering the same, I am inclined to direct the petitioner to give the details to the third and fourth respondents regarding the qualifications. In case, the deponent of the petitioner Dr.P.Devasagayam, has requisite qualification, he may be allowed to run the society/All India Board of Alternative Medicine by ensuring that only qualified physicians are employed by the petitioner.

7. The petitioner may give an additional representation if any to the third and fourth respondents, within a period of thirty days from the date of receipt of a copy of this order. Such representation shall be considered by the third and fourth respondents and disposed of on merits and in accordance with law,



W.P.No.27020 of 2014

within a period of thirty days thereafter.

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8. The petitioner may be heard before such orders are passed by the respondents.

9. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

11.10.2022

Index: Yes/ No
Speaking/Non-Speaking Order
arb

To

- 1.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
- 2.The Secretary of Medical Department,
Government of Tamil Nadu,
Secretariat, George Fort,
Chennai - 600 009.
- 3.The Secretary of Home Department,
Government of Tamil Nadu,
Secretariat, Goerge Fort,
Chennai - 600 009.

C.SARAVANAN, J.



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W.P.No.27020 of 2014

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W.P.No.27020 of 2014
and
M.P.No.1 of 2014

11.10.2022