



W.P.No.26160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.26160 of 2022
and WMP.No.25251 of 2022

R. Guruvayurappan

...Petitioner

Vs

1. The Director General of Police
Kamarajar Salai,
Mylapore, Chennai 600 004.
 2. The Commissioner of Police
Tiruppur,
Tiruppur District 641 687.
 3. The Assistant Commissioner of Police,
Tiruppur,
Tiruppur District 641 687.
 4. The State rep.by
The Inspector of Police,
Kundadam Police Station,
Tiruppur District 638 702.
- Respondents

...

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus for bearing the respondents from in any way interfering with the petitioner's right to practice and prescribe



W.P.No.26160 of 2022

alternative medicines strictly in conformity with the Certificate of Community Medical Services and alternative medicines to carry on lawful occupation under Article 19 (1)(g) of the Constitution of India by considering our representation dated 22.07.2021 in view of the law declared in Dr.Mukhtiar Chand case [1998 (7) SCC 579].

For Petitioner	...	Mr.K.Rajendra Prasad
For Respondents	...	Mr.S.Santhosh Government Advocate (Crl.side)

ORDER

The Writ Petition has been filed for bearing the respondents from in any way interfering with the petitioner's right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services and alternative medicines to carry on lawful occupation under Article 19 (1)(g) of the Constitution of India by considering our representation dated 22.07.2021 in view of the law declared in Dr.Mukhtiar Chand case [1998 (7) SCC 579].

2. The learned counsel appearing for the petitioner submitted that the petitioner is a practitioner of alternative medicine Ayurveda and he got



W.P.No.26160 of 2022

Community Medical Service Certificate Course (CMS). The respondent police without any reason interfered with the practice of the petitioner as though he is practicing allopathic and other medicines. Hence he filed this writ petition. He further contended that previously the petitioner and others have filed W.P. Nos.10920 & 10921 of 2017 and this Court on 15.03.2019 had passed the following order.

" In the light of the said assurance given in the affidavit filed in support of the writ petitions, both the writ petitions are disposed of, directing the respondents to permit the petitioners to practice in their respective field alone. So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them. However, it is open to the respondents or their officials to verify and find out whether the petitioners are practicing in other fields, viz., Ayurveda, Siddha, Unani, Allopathy etc., and if the petitioners are practicing in such fields, it is open to the police officials to initiate action against such of the petitioners in accordance with law".

3. The petitioner is not practicing allopathic and other medicines. He is practicing only Ayurveda. Therefore interference of the police has to be prohibited.



W.P.No.26160 of 2022

4. The learned Government Advocate (Crl.side) submitted that the petitioner has given a representation dated 22.07.2021 which was considered by the respondent police and the petitioner also appeared and gave an undertaking that he will not practice any medicine other than Ayurveda basis and that enquiry was closed on 12.09.2021 as no paper is pending.

5. At this juncture, the learned counsel for the petitioner submitted that even recently the police asked the petitioner to come for enquiry.

6. Heard both sides and perused the materials available on record.

7. On a perusal of the records, it is seen that the petitioner is a practitioner of alternative medicines like Ayurveda, Unani and Yoga etc. and obtained Community Medical Service Certificate Course (CMS) and he had already given an assurance by way of an undertaking that he would not practice any other field other than Ayurveda and thereafter he was permitted to practice. Under this circumstances, the respondent police need not interfere with the petitioner's practice. Therefore so long as the petitioner is practicing in his respective Ayurveda medicines the respondent police need not interfere with the petitioner's practice and if on verification found that the petitioner is practicing in any other



W.P.No.26160 of 2022

field, the respondent police may initiate any legal action as provided under law.

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8. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

30.09.2022

Internet : Yes/ No
Speaking/Non Speaking order
dpq

To

1. The Director General of Police
Kamarajar Salai,
Mylapore, Chennai 600 004.
2. The Commissioner of Police
Tiruppur,
Tiruppur District 641 687.
3. The Assistant Commissioner of Police,
Tiruppur,
Tiruppur District 641 687.
4. The Inspector of Police,
Kundadam Police Station,
Tiruppur District 638 702.
5. The Public Prosecutor,
High Court, Madras.



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W.P.No.26160 of 2022

V. SIVAGNANAM ,J.

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W.P.No.26160 of 2022
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