



W.P(MD)No.2588 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2588 of 2013

and

M.P(MD)No.1 of 2013

Backia Raj

... Petitioner

Vs.

1.The Additional Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Tirumangalam Taluk Circle,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 2nd respondent dated 14.11.2012 in proceedings N.Ref. 90/RTI/Eo-Tk/12 and quash the same as the same is arbitrary, ultravires, contrary to the established method of treatment from time immemorial and the provisions of Siddha Medical Council Act.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader



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ORDER

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The present writ petition has been filed challenging an order passed by the second respondent herein, under which he was prevented from carrying out certain traditional medical practices.

2. According to the petitioner, he has undergone training in Siddha Medicine under a qualified Siddha Doctor for a period of 5 years. He further submits that practice of treating patients using Siddha medicine is in habit from time immemorial. The petitioner further submits that he uses pipe to remove the bad things from the throat and trachea. This is one of the accepted forms of Siddha Medicine, which is called as “Thokkam”. The second respondent herein has prevented the petitioner from following the said traditional medical practice. Hence, the present writ petition.

3. According to the petitioner, the said medical practice is a traditional one, which is being followed from time immemorial and it is not harmful to anyone. Hence, he is entitled to practice the same and the police authorities are not entitled to prevent him from practicing the said medicine.



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4. The second respondent herein has filed a counter that the petitioner is not a qualified Siddha Doctor as claimed by him in the affidavit. The second respondent has further contended that “Thokkam” is a physical manipulation of the body. It is likely to cause loss to life, if it is not properly handled by way of experience. He further contended that there is no proof that the said practice is being done in a hygienic manner. The respondent has further contended that the alleged Madurai Siddha Vaidya Sangam, which is said to have issued a life membership to the petitioner is not in existence at all. An F.I.R has been lodged against the writ petitioner in Crime No.176 of 2012 in Koodakovil Police Station, Madurai District for practising unhygienic activities and also for projecting himself to be a Siddha Doctor without any certificate from the competent authorities.

5. I have carefully considered the submissions made on either side.

6. From the records, it could be seen that the petitioner is not a qualified Doctor. Though the petitioner claims to be a Siddha Doctor, there are no records to establish the fact that he has got registered himself



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with any one of the statutory authorities. However, it is an admitted fact that the petitioner without any proper certificate or degree from any institute or without registering himself before the statutory authorities, is practicing some kind of medicine, by which he is attempting to remove the dirt particles from the throat and trachea of the alleged customers. The petitioner without having any proper medical qualification, should not be permitted to perform these kind of practices, which are highly unhygienic and unsafe. Hence, this Court does not find any ground to interfere in the order passed by the second respondent herein.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

25.08.2022

Index : Yes / No
Internet : Yes / No

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- 2.The Inspector of Police,
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R.VIJAYAKUMAR ,J.

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Order made in
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