



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7935 of 2022

and

W.M.P. (MD) .No.5953 of 2022

D.Subbal Mirtha

... Petitioner

Vs.

1. The Joint Director,
Health and Rural Development,
Virudhunagar District,
Virudhunagar.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
5. The Sub-Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 25.03.2022 and consequently direct the first respondent to de-seal the clinic in the name of Jansi Herbal Clinic situated at 146, Pullalakottai Road, Virudhunagar District.



For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

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ORDER

This Writ Petition has been filed seeking for a limited relief based on the petitioner's representation dated 25.03.2022.

2. The petitioner was alleged to have practised medicine without any license. An F.I.R was registered against him in Crime No.20 of 2022 under Section 420 of IPC read with 15(3) of IMC Act. He was arrested on the same day on 03.02.2022 when the first respondent inspected the petitioner's clinic and remanded to judicial custody. Thereafter, he was enlarged on bail by an order of this Court dated 01.03.2022 in CrI.O.P.(MD).No.3612 of 2022. He has also filed an undertaking affidavit pursuant to the directions given by this Court in CrI.O.P.(MD).No.3612 of 2022 on 01.03.2022 stating that he will not indulge in any kind of activities relating to giving treatment to the public.

3. The respondents have also seized the petitioner's premises, where he was running a clinic by name, Jansi Herbal Clinic, situated at 146, Pullalakottai Road, Virudhunagar District. In this Writ Petition, the petitioner seeks for removal of his belongings in the said premises, which includes his ATM card, Bank Passbook and other essentials. He has given a representation on 25.03.2022 to the respondents 2 to 5 for the said purpose. Since the premises have already been sealed, the petitioner claims that he is unable to take back his essential belongings.

4. No prejudice would be caused to the respondents, if the petitioner's representation dated 25.03.2022 is considered on merits and the petitioner is permitted to take back his necessary belongings excluding the ones that are required for further investigation by the police in the presence of the fourth respondent.

5. For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 25.03.2022 seeking for removal of his essential belongings now lying at 146, Pullalakottai Road, Virudhunagar District and pass final orders on merits and thereafter permit the petitioner to remove the necessary belongings which are not required for investigation in the presence of the fourth respondent on a stipulated date and time to be fixed by the fourth respondent within a period of two (2) weeks from the date of receipt of a



6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Sd/-
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

Lm

To

1. The Joint Director,
Health and Rural Development,
Virudhunagar District, Virudhunagar.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District, Virudhunagar.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Virudhunagar District, Virudhunagar.
4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
5. The Sub-Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-21238[F] dated 26/04/2022)

+1 CC to M/s.P.SENTHIL KUMAR, Advocate
(SR-20935[F] dated 25/04/2022)

W.P. (MD) .No.7935 of 2022
and
W.M.P. (MD) .No.5953 of 2022
25.04.2022

SP/11/05/2022/3P/8C

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