



WEB COPY



W.P.No.9085 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9085 of 2008

Private Practitioners Medical Association of Tamil Nadu,
Rep. by its President,
Mr.K.P.Kathiresan,
No.12/8, Old Kaveri Palam Road,
No.12/8, Old Kaveri Palam Road,
Mambazha Salai, Trichy-5.

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by the Commissionr and Secretary to Government,
Health and Family Welfare Department.
Secretariat, Chennai -9
2. The Director General of Police,
Tamil Nadu, Mylapore, Chennai-4.
3. Union of India,
Rep. by Secretary to Government,
Ministry of Health New Delhi.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents herein from enforcing the penal provisions of the Indian Medical Counsel



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Act, 1956 and the Drugs and Cosmetic Act, 1940 in the case of unqualified medical practitioners who are members of the petitioner's Association in the State of Tami Nadu.

For Petitioner : No Appearance

For Respondents :
(for R1 & R2) : Mr.S.Ravichandran
(for R3) : No Appearance

ORDER

The relief sought in the present writ petition is to forebear the respondents herein from enforcing the penal provisions of the Indian Medical Counsel Act, 1956 and the Drugs and Cosmetic Act, 1940 in the case of unqualified medical practitioners who are members of the petitioner's Association in the State of Tami Nadu.

2.Unqualified medical practitioners are not entitled to practice medicine in accordance with the provisions of the Act. Thus, the negative relief as such sought in the present writ petition deserves no merit consideration. In the event of violation of the provisions of the Indian Medical Counsels Act, 1956, and the Drugs and Cosmetic Act, 1940, the authorities competent are bound to initiate the action. Therefore, qualified



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medical practitioners, who have got their names registered in the Medical Council of India and the State Medical Council are alone entitled to practice medicine.

3. Therefore, the relief as such sought to forbear the respondents from enforcing penal provisions of the Act cannot be granted. Accordingly, the writ petition stands dismissed. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

24.03.2023

To

1. Commissionr and Secretary to Government,
The State of Tamil Nadu
Health and Family Welfare Department.
Secretariat, Chennai -9
2. The Director General of Police,
Tamil Nadu, Mylapore, Chennai-4.
3. Secretary to Government,
Union of India,
Ministry of Health New Delhi.



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S.M.SUBRAMANIAM. J.,

(sha)

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