



W.P.No.20175 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.20175 of 2016

Dr.Tamil Selvi Periasamy

... Petitioner

Vs.

1. The Medical council of India
Rep by its Secretary,
Section 8, Dwarka Phasr- I,
New Delhi-110077.

2. TamilNadu Medical council,
Rep by its Registrar,
No.944 Poonamallee High Road,
Aminjikarai, Chennai 600 106.

3. Kasthuri

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the entire records in connection with the impugned order of the second respondent in Ref. No.TNMC/DC/.No.30,32,33/2013 dated 23.05.2016 and quash the same.

For Petitioner : Mr.Ramesh Venkatachalapathy

For Respondents : Mrs.Subha Ranjani, Standing Counsel R1
Mr.Nedunchezhiyan R2
Mr.N.Suresh R3



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ORDER

The petition has been filed seeking to quash the order passed by the second respondent dated 23.05.2016.

2. It is the case of the petitioner that she is a graduate from Madras Medical college and completed her post graduation in internal medicine in Lutheran Medical Centre, USA and she has been practising in internal medicine at Coimbatre. The petitioner gave importance to obese patients. While so, the petitioner had obtained license and started to produce the slim drink from the year 2000. So the petitioner started to produce the slim drink and she had prepared a diet which consists of wheat, ragi, bajra, green gram and Bengal gram etc., All of a sudden, on 02.07.2013, one of the pharmacy which had sold the slim drink got a notice that the slim drink purchased by the third respondent was found to be spurious and there was a presence of some mucus. Immediately, the petitioner had stopped producing the slim drink and directed the pharmacy not to sell the same. Therefore, the Food Safety Officer filed a criminal complaint against the petitioner. To quash the said complaint, the petitioner has filed a quash



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petition before this Court and the same was also ended in favour of the petitioner. In the meanwhile, the third respondent sent a complaint to the second respondent stating that the slim drink which was recommended by the petitioner was not tested by following rules. Without affording any enquiry, the second respondent, vide order dated 23.05.2016, has also suspended the petitioner for a period of six months from 11.02.2016. Challenging the said impugned order, the present writ petition has filed.

3. Learned counsel for the petitioner submitted that as against the order passed by the second respondent, there is an effective remedy available before the first respondent. Hence, this Court may permit the petitioner to file an appropriate application before the first respondent for getting appropriate remedy.

4. Learned Standing Counsel appearing on behalf of the respondents 1 & 2 have not raised any objection in this regard.

5. Heard, the learned counsel for the petitioner, as well as the learned



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Standing Counsel appearing for the respondents 1 & 2 and the learned counsel for the third respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, permits the petitioner to file appeal before the first respondent within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the first respondent shall consider the same and pass appropriate orders within a period of twelve weeks thereafter.

7. With the above direction, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is also closed.

20.03.2023

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Index: yes / no

Internet : yes / no



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WEB CORD Speaking / Non speaking order

To

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M.DHANDAPANI, J.

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