



W.P.Nos.939 of 2014, 14863 of 2012 & 25558 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.939 of 2014, 14863 of 2012 & 25558 of 2013

W.P.No.939 of 2014

Dr.A.Jillus, BHMS
...Petitioner

-Vs-

1. The Returning Officer/ Registrar,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam, Chennai 600 106.
2. The President,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam, Chennai 600 106.
3. The Principal Secretary to Government,
Department of Health and Family Welfare,
Fort. St. George, Chennai 600 009.
4. The Director/Commissioner,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai 600 106.
5. C.Soundararajan,
Former Registrar,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam, Chennai 600 106.
6. Dr.G.Kannan,



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7. Dr.T.Palanivelrajan,

8. Dr.N.V.Sugathan

9. Dr.N.R.Narayanan,

10. Dr.D.Senguttuvan,

11. Dr.M.S.Suseela,

12. R.Rangaswamy,

13. J.Brindavan Kumar,

14. A.Dhandapani,

15. The Director,
Directorate Of Stationary And Printing,
No.110, Anna Salai,
Chennai 600 002.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, declaring that the Election Notice dt.20.07.2011 made in Lr.NO. 45/ TNHMC / 2011, No. VI(1)/302 / 2011 on the file of the 1st Respondent published in Tamil Nadu Government Gazette No.27A Parti VI- Section 1 (Suppl) dated 20.07.2011, and the consequential elections held between 12.09.2011 to 22.09.2011 for the Tamil Nadu Homeopathy System of Medicine and Practitioners of Homeopathy Rules, 1972 and declare the election of Respondents 6 to 14 as Members to the Tamil Nadu Homeopathic Medical Council pursuant to the impugned election notification dated 20.07.2011 and the impugned election held between 12.09.2011 to 22.09.2011 as null



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and avoid consequently directing the respondents 1 to 4 to scrutinize, verify and publish the valid list of voters for the Tamil Nadu Homeopatry medical Counsle and conduct the election to the post of members of the Tamil Nadu Homeopathic Medical Council in accordance with the Act and Rules under the Supervision of an independent observer appointed by this Hon'ble Court.

For Petitioner : Mr.R.Gokul Krishnan

For Respondents :
(for R1 & R2) : Mr.A.Mohandoss
(for R3, R4 & R5) : Mr.T.Venkatesh Kumar
(for R6 to R15) : No Appearance

W.P.No.14863 of 2012

Dr.R.Gnanasambandam, M.D.(Hom.)
Homoepathic Consultant,
6, Lloyds 2nd Lane,
Royapettah Chennai-14.

...Petitioner

Vs.

1. The President,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam, Chennai-106.
2. The Returning Officer/Registrar,
Tamilnadu Homeopathy Medical Council,
Arumbakkam, Chennai-106.
3. Thiru.C.Soundararajan,
Registrar, Tamilnadu Homeopathy Medical Council,
Arumbakkam, Chennai-106.
4. The Principal Secretary to Govt.,
Dept. of Health and Family Welfare,



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Fort St. George, Chennai-9.

5. The Director/Commissioner,
Directorate of Indian Medicine & Homeopathy,
Arumbakkam, Chennai-106
6. The Registrar/Secretary,
Central Council for Homoeopathy,
61-65, Institutional Area, Opp. 'D' Block,
Janakpuri New Delhi-110058.
7. The Director,
Directorate of Stationery And Printing,
No.110, Anna Salai,
Chennai-2.
8. Dr.G.Kannan,
9. Dr.T.Palanivelrajn
10. Dr.N.V.Sugathan
11. Dr.N.R.Narayanan
12. Dr.D.Senguttuvan
13. Dr.M.S.Suseela
14. Dr.R.Rangaswamy
15. Dr.J.Brindavan Kumar
16. Dr.Dhandapani

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, declaring that the entire proceedings pursuant to the Election Notice dated 20.2.2011 made in



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Lr.No.45/TNHMC/2011, No.VI(1)/303/2011 on the file of the 2nd respondent published in the Tamilnadu Government Gazette No.27-A, Part VI, Section 1 (Suppl.) dated 20.7.2011 for the post of members of Tamilnadu Homoeopathic Medical Council and for the consequential declaration of results published in Lr.No.45/TNHMC/2011, No.VI(1)/366/2011 in Government Gazette No.37 dated 28.9.2011 declaring the respondents 8 to 16 duly elected as members of Tamilnadu Homoeopathic council is illegal, unlawful and void abinitio and liable to be set aside as it is in total violation of the Tamilnadu Homoeopathy System of Medicine & Practitioners of Homoeopathy Act, 1971 and Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy Rules, 1972.

For Petitioner : Ms.M.Saral, for
Mr.J.Saravanavel

For Respondents :
(for R2) : Mr.T.M.Kannan
(for R3, R9 to R16) : Mr.A.Mohandoss
(for R4 & R5) : Mr.T.Venkatesh Kumar
(for R1, R6 to R8) : No appearance

W.P.No.25558 of 2013

Dr.B.Vigneswaran Bhms

...Petitioner

Vs.

1. The Returning Officer/ Registrar,
Tamilnadu Homeopathy Medical Council,



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Arumbakkam, Chennai-106.

2. The President,
Tamilnadu Homeopathy Medical Council
Arumbakkam, Chennai-106.
3. The Principal Secretary to Government,
Department of Health and Family Welfare,
Fort St. George, Chennai-9.
4. The Director/Commissioner,
Directorate of Indian Medicine & Homeopathy,
Arumbakkam, Chennai-106.
5. C.Soundararajan,
Former Registrar,
Tamilnadu Homeopathy Medical Council,
Arumbakkam, Chennai-106
6. Dr.G.Kannan
7. Dr.T.Palanivelrajan
8. Dr.N.V.Sugathan
9. Dr.N.R.Narayanan
10. Dr.D.Senguttuvan
11. Dr.M.S.Suseela
12. Dr. R.Rangaswamy
13. Dr.J.Brindavan Kumar
14. Dr.A.Dhandapani
15. The Director,
Directorate Of Stationary And Printing,



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No.110, Anan Salai, Chennai-2.

...Respondents

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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, declaring that the Election Notice dated 20.7.2011 made in Lr.No.45/TNHMC/2011, No.VI(1)/302/2011 on the file of the 1st respondent published in Tamilnadu Government Gazette No.27A, Part-VI- Section 1(Suppl) dated 20.7.2011, and the consequential elections held between 12.9.2011 to 22.9.2011 for the Tamilnadu Homeopathic Council as not valid in the eye of law in view of the non compliance of Rule 6(1) to 6(5) of the Tamilnadu Homeopathy System of Medicine and Practitioners of Homeopathy Rules, 1972 and declare the 1st respondent notification in Lr.No.45/TNHMC/2011 dated 23.9.2011 published in Tamil Nadu Government Gazette No.37 dated 28.9.2011 declaring the election of respondents 6 to 14 as members to the Tamil Nadu Homeopathic Medical Counsel pursuant to the impugned election notification dated 20.07.2011 and the impugned election held between 12.09.2011 to 22.09.2011 as null and void consequently directing the respondents 1 to 4 to scrutinize, verify and publish the valid electoral list of voters for the Tamil nadu Homeopathy Medical Council and conduct the election to the ost of members of the Tamil nadu Homeopathic Medical Council in accordance with the Act and Rules under the Supervision of an independent observer appointed by this Hon'ble Court.

For Petitioner : Ms.M.Saral, for
Mr.J.Saravanavel



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For Respondents :
(for R1 & R2) : Mr.A.Mohanadoss
(for R3, R4 & R15) : Mr.T.Venkatesh Kumar
(for R7 to R14) : Mr.D.Rajendran
(for R1) : Mr.P.Jamilvel

ORDER

The learned Counsel appearing on behalf of the petitioners made submissions that the cause arose for the purpose of filing the present writ petitions have become vanished. Endorsements are also made to that effect.

2.In view of the submission and the endorsements made, the Writ Petitions stand disposed of as having become infructuous. No costs.

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

26.04.2023



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S.M.SUBRAMANIAM. J.,

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