



WA No.1456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.1456 of 2023

Indian Medical Association,
Tamil Nadu State Branch,
Rep. by Dr.N.R.Thiagarajan,
Secretary.

.. Appellant

-VS-

State of Tamil Nadu,
Rep. by its Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George, Chennai-9.

.. Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 14.12.2021 passed in W.P.No.23783 of 2010.

For the Appellant : Mr.Ravi Kumar Paul
Senior Counsel
for Mr.Vijay Meganath

For the Respondent : Mr.T.K.Saravanan
Government Advocate

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Ravi Kumar Paul, learned Senior Counsel for the appellant and Mr.T.K.Saravanan, learned Government Advocate for the respondent.

2. Amongst other submissions, one of the submissions made by the learned Senior Advocate for the appellant is that the appellant/petitioner had challenged G.O.(Ms.)No.248, Health and Family Welfare (IM 2-2) Department dated 08.09.2010 issued by the respondent Government. While disposing of the writ petition filed by the appellant/petitioner, the said aspect has not been considered by the learned Single Judge. No finding is given qua the challenge to the G.O.(Ms.) No.248, dated 08.09.2010. With another writ petition, the writ petition filed by the appellant was also decided, however, without considering the challenge to the G.O. in the writ petition filed by the appellant.



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3. Upon perusal of the impugned order, it transpires that no finding has been given on challenge to the G.O.No.248, dated 08.09.2010. The substantive challenge was raised by the appellant/petitioner.

4. In light of the above, the impugned order to the extent of W.P.No.23783 of 2010 is quashed and set aside and the parties are relegated before the learned Single Judge for deciding W.P.No.23783 of 2010 afresh.

The writ appeal is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

07.11.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Secretary to the Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George, Chennai-9.



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THE HON'BLE CHIEF JUSTICE
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(sra)

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