



W.P(MD) No.11092of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.11092of 2021
and
W.M.P(MD) No.8701 of 2021

M.Selvakumar

... Petitioner

-Vs-

1. The Secretary
Family and Health Department
Race Course Road, Little Mount
Guindy, Chennai- 600 032.
2. The Director General of Police
Kamarajar Salai,
Mylapore, Chennai- 600 004.
3. The Superintendent of Police,
Theni District, Theni
4. The Deputy Superintendent of Police,
Theni, Theni District
5. The Inspector of Police
Annanji Police Station
Vadaputhupatti, Theni District

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondents from in any way interfering with the petitioners right to practice and prescribe alternative medicines strictly in conformity



W.P(MD) No.11092of 2021

with the Certificate of Community Medical Services and alternative medicines to carry on lawful occupation under Article 19 (I)(g) of the Constitution of India by considering our representation dated 24-06-2021, in view of the law declared in Dr.Mukhtiar Chand case (1998 (7) SCC 579)

For Petitioner : Mr. K.Rajendra Prasad
For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the respondents from in any way interfering with the petitioners right to practice and prescribe alternative medicines strictly in conformity with the Certificate of Community Medical Services and alternative medicines to carry on lawful occupation under Article 19 (I)(g) of the Constitution of India by considering our representation dated 24-06-2021, in view of the law declared in Dr.Mukhtiar Chand case (1998 (7) SCC 579).

2. The learned Additional Public Prosecutor appearing for the respondents represented that the petitioner is not residing in the aforesaid address and he has also produced the Village Administrative Officer certificate. Further the respondent would contend that they



W.P(MD) No.11092of 2021

never interfered with the practice of the petitioner and no complaint was made as against this petitioner and no coercive steps are taken as against this petitioner.

3. The learned counsel appearing for the petitioner contended that the petitioner is not residing in the address but he is running the clinic in the above said address and the respondent police are interfering with the practice of the petitioner and already this Court has passed order in the similar writ petition and he has also produced copy of the judgment passed by this Court in W.P.Nos.10920 and 10921 of 2017, wherein this Court has held that :

4. In the light of the said assurance given in the affidavit filed in support of the writ petitions, both the writ petitions are disposed of, directing the respondents to permit the petitioners to practice in their respective field alone. So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them. However, it is open to the respondents or their officials to verify and find out whether the petitioners are practicing in other fields, viz., Ayurveda, Siddha, Unani, Allopathy etc., and if the petitioners are practicing in such fields, it is open to the police officials to initiate action against such of the petitioners in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.



W.P(MD) No.11092of 2021

WEB COPY

4. On careful reading of the judgment it reveals that already this Court passed order directing the respondent to permit the petitioner to practice in the respective fields alone. So long as the petitioner practicing in their respective fields the respondents are restrained from initiating any action against them.

5. Recording the aforesaid representation and also considering the fact that no complaint was received by the respondent police and they have not taken any coercive action as against the petitioner, the Writ Petition stands closed. No costs. Consequently connected miscellaneous petition is closed.

08.08.2023

Index : Yes/No
Internet : Yes/No
aav

To

1. The Secretary
Family and Health Department
Race Course Road, Little Mount
Guindy, Chennai- 600 032.
2. The Director General of Police
Kamarajar Salai,
Mylapore, Chennai- 600 004.



W.P(MD) No.11092of 2021

WEB COPY

3. The Superintendent of Police,
Dindigul District
4. The Deputy Superintendent of Police,
Dindigul District
5. The Inspector of Police
Annanji Police Station
Vadaputhupatti, Theni District
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P(MD) No.11092of 2021

P.DHANABAL, J.

aav

W.P(MD)No.11092 of 2021

08.08.2023