



W.P(MD) No.11087of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.11087of 2021
and
W.M.P(MD) No.8700 of 2021

G.Singaraj

... 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,
Dindigul District
4. The Deputy Superintendent of Police,
Dindigul District
5. The Inspector of Police
Vanniyampatti Police Station
Virudhunagar 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



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with the Certificate of Community Medical Services and alternative medicines to carryon 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 carryon 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 counsel appearing for the petitioner would contend that the petitioner herein is a practitioner of alternative medicine like Ayurveda, Unani etc and have undergone Community Medical Service Certificate (CMS) Course and successfully completed the course and obtained Diploma in CMS. The respondents are



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interfering with the petitioner's practice and harassing under the guise of enquiry without any complaints.

3. The learned Additional Public Prosecutor appearing for the respondents represented that a case in Crime No 4 of 2015 has been registered against the petitioner for the offences under Sections 15(3) of Indian Medical Council Act and 336 and 420 of IPC and the case was disposed of by acquitting the petitioner.

4. The petitioner's contention is that the petitioner herein is a practitioner of alternative medicine like Ayurveda, Unani and completed Community Medical Service Certificate Course. Whiles, the respondents are interfering with the petitioner's practice without any complaint. The respondents also admitted that they have registered a case against the petitioner in Crime No. 4 of 2015 and the same was disposed of by acquitting the petitioner. Further the learned counsel appearing for the petitioner 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



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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.

5. On careful reading of the above said judgment it reveals that already this Court has passed order in similar cases and this case is also covered by the same judgment.

6. In view of the same, the Writ Petition stands allowed. No costs. Consequently connected miscellaneous petition is closed.

03.08.2023

Index : Yes/No
Internet : Yes/No
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To

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3. The Superintendent of Police,
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Viruveedu Police Station
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6. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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