



WP(MD). No.13495 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09/06/2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WP(MD). No.13495 of 2023
and
W.M.P(MD)No.11373 of 2023

M.S.Iyengaran

... Petitioner

Vs.

The Joint Director of Health Service,
Ramanathapuram District,
Ramanathapuram.

... Respondent

For Petitioner : Mr.V.Thirumal

For Respondent : Mrs.Farjana Ghoushia,

Special Government Pleader



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to re-consider his order dated 30.05.2023 in the light of the online application made by the petitioner's foundation dated 01.06.2023 and consequently directing the respondent to consider the representation of the petitioner dated 03.06.2023 and on that basis to permit the petitioner's foundation to start treatment and service to the affected person forthwith.

ORDER

The Writ petition has been filed in the nature of a Mandamus seeking a direction to the respondents, to reconsider an order, dated 30.05.2023 consequent to an online application made by the petitioner on 01.06.2023 and also to consider a representation of the petitioner dated 03.06.2023.

2. The petitioner, has stated that he is the Managing Director of Faith Research Foundation, at Ramanathapuram, and they provide integrated rehabilitation treatment to addicts. Any centre providing such treatment should have necessary permission and necessary licenses.



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Unfortunately, during inspection conducted by the respondents, it was found that the petitioner did not have necessary licence and permission.

3. Very specifically, the petitioner did not have a Clinical Establishment certificate. Naturally by an order, dated 30.05.2023 the establishment of the petitioner was closed by the respondents. This act taken by the respondents is a correct step. The patients who were in the petitioner's establishment have now been shifted to Ramanathapuram Government Medical College.

4. Let the patients continue to have treatment in the said Government Medical College. If required, the Doctor of the Ramanathapuram Government Medical College, may also get assistance from other Government Hospitals from nearby Districts if required. But the patients cannot be transferred to the petitioner establishment. The petitioner had thereafter, made an online application on 01.06.2023.

5. It is contended by the learned Special Government Pleader who had taken notice on behalf of the respondent that the



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petitioner will have to submit a string of documents. If alone the petitioner satisfies all these requirements, then permission cannot be granted. If the petitioner does not satisfy the requirements, and does not produce relevant documents, the permission should not be granted. It is now the burden on the petitioner to produce necessary documents as sought for by the respondent. If the petitioner produces the documents then, the respondent may consider the application given by the petitioner and endeavour to dispose it of in proper manner within a period of twelve weeks from the date on which the petitioner had finally produced all the documents.

6. The learned counsel for the petitioner states that the time limit for considering the representation of this nature is eight weeks, but still twelve (12) weeks is given taking into consideration, the sensitive nature of the patients, who require specialised treatment and the requirement by the respondent to ensure that the petitioner satisfies all conditions. If the petitioner does not satisfy even one condition then, the petitioner cannot be granted permission to reopen the establishment.



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7. With the above observation, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM

To

The Joint Director of Health Service,
Ramanathapuram District,
Ramanathapuram.



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C.V.KARTHIKEYAN, J.

RM

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