



WP(MD)No.14969/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.14969/2014

C.Yesudhas

...Petitioner

Vs

1.The District Collector,
Kanyakumari District at
Nagercoil

2.The Joint Director of Medical
Rural Health Service and Family Welfare (i/c)
Kanyakumari District at Nagercoil.

3.The Superintendent of Police,
Kanyakumari District at Nagercoil.

4.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

5.A.Thamaraiselvi

6.K.Appu

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to take action against the 5th respondent for practicing as a medical practitioner without possessing any recognized medical qualification and also against the sixth respondent for assisting in her illegal activities based on the petitioner's representation dated 20.04.2014.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.J.K.Jayaselan,
Government Advocate (Civil)
for R1, R2 and R4

Mr.P.Kottai Chamy
Government Advocate (Criminal Side)
for R3

Mr.P.Prabakaran
for R5 and R6

ORDER

This Writ Petition is filed for a mandamus directing the respondents 1 to 4 to take action against the fifth respondent for practicing as a medical practitioner without any recognized medical qualification and also for an action as against the sixth respondent for assisting the fifth respondent in her illegal activities.



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2. On the instructions of the District Collector, Kanyakumari District at Nagercoil, the Revenue Divisional Officer, Padmanabhapuram has conducted a spot inspection along with Mr.M.Lawrence, Sub Inspector of Police, Palugal Police Station and the Superintendent, Medical Rural Health Services, Joint Director Office, Nagercoil and submitted a report vide letter dated 07.06.2013 in Na.Ka.A2/1/2013, that this fifth respondent, namely, Thamaraiselvi has been running a Hospital in the name of Idhayam Mission Hospital at Parakkundru, Vilavangodu, Kanyakumari District. On the date of inspection, Idhayam Mission Hospital was found to be locked. They have examined the owner of the property and the owner of the property has confirmed that the fifth respondent has been running a Hospital in that place for some period and it has been locked for the past two months. On further enquiry in the surrounding area, they found that the fifth respondent is now serving as a Nurse to the sixth respondent namely, K.Appu in Pedhastha Clinic at Door No.3/420-B, Ward No.III.

3. When this matter was taken up for hearing on 02.03.2023, based on the submissions made, this Court has recorded that the sixth respondent died on 17.11.2021 and therefore, the petitioner would not be



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working under the sixth respondent. Hence, this Court directed the fifth respondent to file an affidavit indicating that she is not practicing anywhere.

4. The learned counsel for the fifth respondent submits that the fifth respondent's son graduated on Dental subject and is now practicing as a Dentist in Idhayam Dental Clinic at Vilavangodu. Further, the fifth respondent is unwilling to file an affidavit that she is not practicing anywhere.

5. The fifth respondent has not produced any document that she is qualified as a medical practitioner. Further, she has not come forward to file an affidavit stating that she is not practicing as a medical practitioner. This Court considering the conduct of the fifth respondent, the averments made in the writ petition and the report dated 07.06.2013, finds that the fifth respondent may be practicing as medical practitioner. It is the duty of the third respondent to ensure that anybody, who is not qualified, is not conducting medical practice within the District. The third respondent shall instruct the concerned Police Station to monitor the Idhayam Dental Clinic, and find out as to whether the fifth respondent is practicing as a



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medical practitioner in that clinic or not. If the fifth respondent is practicing without any qualification, necessary criminal action has to be initiated against her.

6. With the above directions, this writ petition is disposed of. No costs.

10.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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B.PUGALENDHI, J.

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