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W.P.No.1385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1385 of 2024

Razack Ismail Sait
represented by his Power of Attorney
Abu @ Zackaria Sait

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Namakkal Kavingar Maaligai,
4th Floor, Fort St. George,
Chennai-600 009.

2. The Tamil Nadu State Medical Council,
No.914, Poonamalle High Road,
Arumbakkam, Chennai-600 106.

3. Dr.J.Lakshmi Anand

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to conclude the disciplinary proceedings against the third respondent and award punishment to her by passing appropriate final orders in the manner known to law within a reasonable time frame as fixed by this Hon'ble Court based on the representation dated 03.02.2023.



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For Petitioner : Mr.R.Venkatesh
For R1 and R2 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed for direction directing the second respondent to conclude the disciplinary proceedings against the third respondent and award punishment to her by passing appropriate final orders in the manner known to law within a reasonable time frame as fixed by this Hon'ble Court based on the representation dated 03.02.2023.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is doing real estate business and had purchased 14 plots in the name and style of “Pathavi Vazhithunai Mudaliyar Poonga Nagar”, Sembarambakkam Village, Kanchipuram Taluk and District. Since the petitioner is in abroad, he had executed a General Power of Attorney in favour of his financier for security purpose, on condition that after settling the entire loan amount, agreed to cancel the Power of Attorney. The financier also undertakes to destroy other promissory notes and other papers which were



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executed by the petitioner during borrowal of loan. However, after settling the entire loan amount, the Power of Attorney executed a sale deed in favour of the third parties. On verification, the petitioner found that all fabricated documents have been created with the help of the third respondent, who is a Doctor. The petitioner also obtained an expert opinion from the handwriting expert and the signature found in the documents do not tally with the signature of the petitioner. Therefore, the petitioner submitted a detailed representation before the second respondent to take appropriate action as against the third respondent. Based on the complaint lodged by the petitioner, now, the enquiry has been ordered and it is pending with the Tamil Nadu Medical Council.

4. Considering the above facts and circumstances of the case, the second respondent is directed to complete the enquiry as against the third respondent, after giving an opportunity of hearing to the petitioner and the third respondent and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

23.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J,

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