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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3037 of 2024

Dinesh ... Petitioner

-Vs-

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Joint Director,
Health Service,
Tenkasi, Tenkasi District.

3.The Assistant Director,
Drug Control Office,
Tirunelveli North Zone,
Maharaja Nagar, Tirunelveli,
Tirunelveli District.

4.Maheswari
5.Petchimuthu ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to take appropriate action against the fourth and fifth respondents for illegally operating as quacks in Veerakeralampudur Village, V.K.Pudur Taluk, Tenkasi District and cancel the license issued to Rohini

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Medical run by fourth respondent on the basis of the petitioner's representation dated 21.11.2023.

For Petitioner : Mr.T.Indrachithu
For R1 to R3 : Mr.P.Thilakkumar
Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1 to 3. Considering the nature of order going to be passed, notice to the fifth and sixth respondents is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

2.The learned counsel for the petitioner submitted that the fourth respondent is running a medical shop under the name and style of 'Rohini Medical' at Veerakeralampudur, V.K.Pudur Taluk, Tenkasi District, wherein the fifth respondent is working as Pharmacist. However, the fifth respondent is indulging in administering injection and glucose to the patients without any prescription from the doctors. A case in S.T.C.No.109 of 2023 was also filed in this regard against the fourth respondent and she was punished with a penalty for the offence. However, no action is taken by the fifth respondent so far to cancel

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the license issued to the fourth respondent's medical. Therefore, the petitioner is still continuing to run the medical. Hence, the petitioner is constrained to filed this writ petition.

3.The learned Government Pleader appearing for the respondents 1 to 3 submits that appropriate action will be taken on the fourth and fifth respondents for their illegal act.

4.Considering the facts and circumstances of the case, without going into the merits of the matter, we direct the officials concerned to consider the complaint made against the fourth and fifth respondents and pass orders on the same on merits and in accordance with law as early as possible.

5.With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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To

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