



W.P(MD)No.4186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4186 of 2024

Jeeva

... Petitioner

Vs.

1.The Joint Director,
Office of the Joint Director of
Health Services,
Tenkasi District.

2.The Revenue Divisional Officer,
Tenkasi District.
***(R.2 is suo motu impleaded vide
order of this Court dated 11.03.2024)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to de-seal the hospital premises by name J.J.Clinic situated at No. 14/10, Ground Floor, East facing, ST-4, Tirunelveli road, North Sivagamipuram, Keelapavoor part - 1, Aalangulam taluk, Tenkasi District by considering petitioner's representation dated 15.02.2024 within time frame as fixed by this court.



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For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner is running J.J.Clinic at the petition mentioned premises. It was sealed on 02.02.2024 by the respondents. According to the respondents, the petitioner's husband Thiru.Jeyaraman, who is only a pharmacist is running the clinic in the name of the petitioner.

3.I wanted to know from the learned counsel appearing for the petitioner if apart from the petitioner, there is any duly qualified Doctor engaged to practice in the petition mentioned clinic. The answer is in the negative. It is categorically stated that Jeeva Jeyaraman / petitioner alone is taking care of the clinic. The petitioner is also employed as Assistant Civil Surgeon at Alangulam Government Hospital. It is said to be at a distance of 12 Kms from the J.J.Clinic. The petitioner's working hours are from 7.30 a.m to 1.30 p.m and again from 3.00 p.m to 05.00



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p.m. The petitioner being a Government servant cannot be permitted to run private her clinic during her working hours. The petitioner gives an undertaking before this Court that while the pharmacy run by her husband can be open, the clinic will be closed during her regular working hours. In the prescription sheet issued by the petitioner, consulting hours will not be shown overlapping with her working hours. The petitioner shall hang a board outside the clinic indicating that the clinic will function from 05.30 p.m onwards. This undertaking given by the petitioner will hold good on all working days.

4.I wanted the learned Additional Government Pleader to draw my attention to any specific statutory provision which empowers the Revenue Divisional Officer to seal a Hospital or a Clinic. My attention is not drawn to any specific provision. Since the undertaking given by the petitioner should address the concerns expressed by the respondents through the learned Additional Government Pleader, the second respondent is directed to de-seal the premises tomorrow (12.03.2024) itself.



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5.This writ petition is allowed accordingly. There shall be no order as to costs.

11.03.2024

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

Note: Issue order copy on 12.03.2024.

To

- 1.The Joint Director,
Office of the Joint Director of
Health Services,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Tenkasi District.



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G.R.SWAMINATHAN, J.

MGA

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