



W.P.(MD)Nos.19116 & 19211 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.19116 & 19211 of 2024
and WMP(MD)Nso.16175 & 16267 of 2024

V.Amutha

.. Petitioner in WP(MD)No.19116 of 2024

Lakshmikandhan

.. Petitioner in WP(MD)No.19211 of 2024

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Principal Civil Medical Officer,
Virudhunagar Government Hospital,
Virudhunagar.

3. The Deputy Director of Medical Board,
Health and Rural Welfare Service,
No.17, V.O.C. Road,
Cantonment,
Trichirappalli.

4. The Deputy Director of Medical Board,
Health and Rural Welfare Service,
Virudhunagar,
Virudhunagar District.

... Respondents in both cases



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COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioners' practice in the Filed of Acupuncture System of Therapy at the acupuncture centers namely, “Acupuncture Illam” in Sattur at Door No.428, Main Road, Sattur-626 203, Sivakasi at Door No. 20 A-3, Pandyan Arcade, Gandhi Road, Near Bus Stand, Sivakasi - 626 125, Srivilliputhur at Door No.159/99, Kannimar Kovil Street (Chinnakadai Bazar Road), Srivilliputhur - 626 125.

For Petitioner in both cases : Mr.C.M.Arumugam

For Respondents

in WP(MD)No.19116 of 2024 : Mr.D.Sadiq Raja

Additional Government Pleader

For Respondents

in WP(MD)No.19211 of 2024 : Mr.D.Gandhiraj

Additional Government Pleader

COMMON ORDER

Since these writ petitions are filed for the same relief and the issue involved in these two cases is one and the same, these two writ petitions are disposed of by way of this common order.

2. These writ petitions have been filed to forbear the respondents from



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interfering with the petitioners' practice in the Filed of Acupuncture System of Therapy at the acupuncture centers namely, "Acupuncture Illam" in Sattur at Door No.428, Main Road, Sattur-626 203, Sivakasi at Door No.20 A-3, Pandyan Arcade, Gandhi Road, Near Bus Stand, Sivakasi - 626 125, Srivilliputhur at Door No.159/99, Kannimar Kovil Street (Chinnakadai Bazar Road), Srivilliputhur - 626 125.

3. Heard both side and perused the materials placed before this Court.

4. It is the case of the petitioners that the petitioners completed their Diploma in Acupuncture Science in the year 2015 and 2017 respectively and also completed their Bachelor of Science in the Acupuncture Science in the year 2018 and 2017 respectively, in Tamil University, Thanjavur through distance education. The petitioners also registered with the Acupuncture Healers Organisation, a registered body at Cumbum, Theni District. Thereafter, they started their practice in Acupuncture Therapy in Virudhunagar District at Sattur, Sivakasi and Srivilliputhur. While being so, on 09.07.2014 and 11.07.2014, the second respondent along with two others came to their Acupuncture Centre and started to conduct enquiry. Again on 26.07.2024 respondents 2 to 4 along with 6 others



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claimed themselves as Doctors, came to the petitioners' Acupuncture Centre and conducted a search and also conducted an enquiry and got photocopies of the educational certificates of the petitioners and also directed the petitioners to appear before the 2nd respondent on 29.07.2024. The petitioners appeared on 27.09.2024 and thereafter directed to appear for enquiry on 01.08.2024. The petitioners also appeared for enquiry on 01.08.2024. But, no orders issued so far. However, the respondents are directed the petitioners no to continue their practice to give Acupuncture Therapy until they permit them to practice the same. Hence, these writ petitions.

5. Whereas the learned Additional Government Pleader and the Special Government Pleader for the respondents in these two writ petitions submitted that Acupuncture is not covered under the Provisions of Clinical Establishments(Regulation) Act, 1997. They further submitted that Acupressure & Acupuncture are taught in Nature cure Colleges as a part of Bachelor in Naturopathy & Yogic Sciences (BNYS) degree syllabus. All these colleges have been affiliated/recognized by the respective health universities. Bachelor in Naturopathy & Yogic Sciences (BNYS), a five years six months full time regular course syllabus contains the study of Acupressure & Acupuncture therapies as part



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of the course. Therefore, as the petitioners did not undergo the above said Naturopathy & Yogic Sciences Degree, they cannot practise Acupuncture.

6. At this stage, this Court is not inclined to go into the merits. As the respondents have already initiated some proceedings and enquiry has also been commenced, necessary orders have to be passed in this regard indicating their stand. Such orders shall be passed within a period of two weeks from the date of receipt of a copy of this order. Thereafter, they may take action in accordance with law.

7. With the above direction, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

16.08.2024

NCC : Yes/No
Index : Yes/No
PJJ

To
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Virudhunagar District,
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N.SATHISH KUMAR, J.

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