



W.P.(MD)No.20494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20494 of 2024

Sugunavathi

... Petitioner

Vs.

1.The Joint Director of Health Services,
Sivagangai District, Sivagangai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
In Crime No.652 of 2023

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to de-seal the petitioner's building bearing New Door No. 496/196A, Gandhi Street, Sivagangai Town by considering the representation of the petitioner dated 23.07.2024, within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.A.Mohan
For R1 : Mr.D.Gandhiraj
Special Government Pleader



WEB COPY



W.P.(MD)No.20494 of 2024

For R2 & R3 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent to de-seal the petitioner's building bearing New Door No. 496/196A, Gandhi Street, Sivagangai Town by considering the representation of the petitioner dated 23.07.2024.

2.Heard Mr.A.Mohan, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the first respondent and Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.side), who takes notice for the respondents 2 and 3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner's contention is that the petitioner is a retired medical surgeon and she is running an independent clinic at Sivagangai in the petition mentioned property. Due to the health condition and age, the petitioner restricted the practice by giving medical assistance to the rare and emergent



W.P.(MD)No.20494 of 2024

cases. The third respondent registered a case against the petitioner under the provisions of Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 on the allegation that in the clinic an attempt was made to perform MTP without CEA certificate. Based on the FIR, the clinic of the petitioner was locked and sealed on 01.12.2023. However, during investigation, it was found that no such incident had happened in the clinic of the petitioner and the complaint was closed. Even after the closing of the complaint, the lock and seal of the petitioner's clinic has not been removed by the authorities concerned. Hence, the petitioner made a representation dated 23.07.2024 to de-seal the petitioner's clinic. However, the same has not been considered so far.

4.The third respondent appeared before the Court and submitted that the case registered against the petitioner has been closed and closure report has also been filed before the jurisdictional Magistrate. The said submission is recorded.

5.Since the case registered against the petition was closed as nothing has been unearthed against the petitioner during investigation and the allegations levelled against the petitioner was found to be false, this Court directs the first respondent to de-seal the petitioner's building at New Door No.496/196A,



W.P.(MD)No.20494 of 2024

Gandhi Street, Sivagangai Town immediately after the receipt of a copy of this order.

WEB COPY

6.This writ petition is allowed on the above terms. No costs.

29.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

- 1.The Joint Director of Health Services,
Sivagangai District, Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
In Crime No.652 of 2023



WEB COPY



W.P.(MD)No.20494 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.20494 of 2024

29.08.2024