



W.P.(MD) No.15520 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.15520 of 2016
and
W.M.P.(MD) No.11415 of 2016**

Immanuel Arasar International Institute
of Science and Technology Educational and
Charitable Trust, rep. by Managing Trustee,
Dr.Sam.G. Jeba Joselin

... Petitioner

/vs./

- 1.The Union of India,
represented by its Secretary,
Ministry of Health & Family Welfare,
Department of Ayurveda Yoga & Naturopathy,
Unani, Siddha & Homoeopathy (Ayush),
IRCS Annexe Building, 1 – Red Cross Road,
New Delhi 110 001.
- 2.The Central Council of Homoeopathy (CCH),
rep by its Secretary,
Jawahar Lal Nehru Bhartiya Chikitsa
Avum Homoeopathy Anusandhan Bhavan,
No.61-65, Institutional Area
Opp. D Block Janakpuri
New Delhi 110 058.



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3.The State of Tamil Nadu,
rep. by its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai 600 009.

4.The Commissioner of Indian Medicine and
Homeopathy, Arumbakkam,
Chennai 600 106.

5.Tamil Nadu Dr.MGR Medical University,
rep. by its Registrar,
69, Anna Salai, Guindy,
Chennai 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent State Government in Letter No. 1777/IM1-2/2016-2, Health dated 09.05.2016 and the consequential proceeding issued by the 4th respondent Commissioner in Ref.No.0929/P&D3/2016 dated 20.06.2016, quash the same, and further direct the 3rd respondent State Government to grant No Objection Certificate to the petitioner for establishing Immanuel Arasar Homoeopathic Medical College & Hospital, Nattalam, Kanyakumari District from the academic year 2015-2016.

For Petitioner : Mr.Cibi Chakravarthy

For R1 & R2 : Mr.P.Paulpandi



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For R3 & R4 : Mr.V.OM.Prakash
Government Advocate

For R5 : Mr.S.Ramesh

ORDER

The challenge in the writ petition is to quash the order passed by the third respondent in Letter No.1777/IM1-2/2016-2, Health dated 09.05.2016 and the consequential proceeding issued by the fourth respondent in Ref.No. 0929/P&D3/2016 dated 20.06.2016, and to direct the third respondent to grant No Objection Certificate to the petitioner for establishing Immanuel Arasar Homoeopathic Medical College & Hospital, Nattalam, Kanyakumari District for the academic year 2015-2016.

2. The Regulation, namely Establishment of New Homoeopathic Medical Institution (Opening of New or Higher Course of Study or Training and Increase of Intake Capacity by a Medical Institution) Regulations, 2024 notified on 12.03.2024 and framed pursuant to Section 29 of the Act requires the institutions to obtain a No Objection Certificate from the concerned State Government for establishing a New Homoeopathic Medical Institution.



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3. The said No Objection Certificate is supposed to be enclosed along with the application to be made before the counsel. Hence, the State Government shall not reject the application of the petitioner if any made indicating that the No Objection could only be issued after getting permission from the National Commission for Homeopathy. If such an insistence is made, it would amount to putting the cart before the horse. In view of the subsequent amendment in Act, no further adjudication will be made and it is open to the petitioner to apply afresh as per the amended enactment.

4. The Writ Petition stands disposed of, accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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To

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K.KUMARESH BABU, J.

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