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W.P.(MD)No.25292 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25292 of 2024
and
W.M.P.(MD)No.21479 of 2024

P.Thomas

... Petitioner

Vs.

- 1.The Commissioner,
Indian Medicines and Homeopathy,
Arumpakkam, Chennai-106.
- 2.The Joint Director of Medical and Rural Service,
O/o.Joint Director of Medical and Rural Service,
District Head Quarters Hospital,
Kottar, Nagercoil,
Kanyakumari District.
- 3.The District Sidha Medical Officer,
Ayurvedha Medical College Campus,
Kottar, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the second and third respondents from interfering with the petitioner's profession of practicing Homeopathy Medicine and other Medical Officers practicing of Allopathy at “Nesam Polyclinic” at Ambalathuvilai, Vettukuzhi, Veeyanoor Post, Mulavilai, Kanyakumari District and by considering the petitioner's representation dated 27.09.2024.



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For Petitioner : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition is filed to forbear the second and third respondents from interfering with the petitioner's profession of practicing Homeopathy Medicine and other Medical Officers practicing of Allopathy at “Nesam Polyclinic” at Ambalathuvilai, Vettukuzhi, Veeyanoor Post, Mulavilai, Kanyakumari District by considering the petitioner's representation dated 27.09.2024.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The grievance of the petitioner is that the petitioner is a Doctor by profession. He is running a clinic at Kanyakumari District after obtaining necessary approval and registration. While so, based on the false complaint, the respondents are interfering with the profession of the petitioner under the



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pretext of investigation. Hence, the petitioner seeks a direction to forbear the respondents from interfering the profession of the petitioner.

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5.This Court is of the view that the power is vested with the second and third respondents to inspect any hospital premises to find out whether there are any fake doctors. If any complaint is received by the respondents against any Health Institution, they are duty bound to enquire same. This Court cannot restrain the authorities from discharging their statutory duties. Hence, such blanket direction as sought for by the petitioner cannot be issued by this Court. However, the respondents are directed not to pass any orders on the complaint, if any, received against the petitioner without providing an opportunity of hearing to the petitioner.

6.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Commissioner,
Indian Medicines and Homeopathy,
Arumpakkam, Chennai-106.
- 2.The Joint Director of Medical and Rural Service,
O/o.Joint Director of Medical and Rural Service,
District Head Quarters Hospital,
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N.SATHISH KUMAR, J.

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24.10.2024