



W.P.No.9934 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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S.PURUSHOTHAMAN

... Petitioner

Vs

1. THE PRESIDENT,
TAMIL NADU HOMEPATHY MEDICAL COUNCIL,
ARIGNAR ANNA GOVERNMENT HOSPITAL CAMPUS,
ARUMBAKKAM,
CHENNAI - 600 106.
2. THE JOINT DIRECTOR OF HEALTH SERVICES,
THIRUVALLUR DISTRICT,
J.N.ROAD,
TIRUVALLUR – 602 001.
3. DR.R.NAGESH RAO, B.H.M.S.,
SRI KRISHNA POLYCLINIC,
NO.95, S.P.ROAD,
POLIVAKKAM - 602 002,
THIRUVALLUR DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, quashing the impugned order Lt.No.1423/TNHMC/2024-3 dated 03.01.2025 issued by the first respondent and direct the first respondent to initiate disciplinary action against the third respondent, including the cancellation of his registration in the Tamil Nadu Homoeopathy Medical Council bearing Registration No.8573, for his exclusive prescription of Allopathic Medicines, despite being a TNHMC



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registered Homoeopathy Doctor.

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For Petitioner : Mr.S.Janarthanan
For R1 & R2 : Mr.E.Sundaram
Government Advocate

ORDER

The writ petitioner challenges the impugned order in Lt.No.1423/TNHMC/2024-3 dated 03.01.2025.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the petition as well as the material records of the case, the grievance of the petitioner is that, for his ailment, when he visited the third respondent, a homeopathy practitioner, the third respondent prescribed allopathic medicines. As a result, the petitioner's fever aggravated and he had to be taken to the Government Medical College Hospital, Thiruvallur and only after protracted treatment, he eventually recovered.

3. Under these circumstances, the petitioner made a complaint to the



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disciplinary authority, namely the Tamil Nadu Homeopathy Medical Council, Chennai. The second respondent conducted an inspection and found that the third respondent was completely using only allopathic medicines. The authorities seized all the medicines. Consequently, when disciplinary proceedings were initiated, the impugned order was passed, merely giving a warning that the third respondent to prescribe only homeopathic medicines and not to prescribe allopathic medicines here after and that it will be viewed seriously. Therefore, the petitioner is before this Court on the ground that some punishment ought to have been imposed on the third respondent and that the action of the first respondent in treating the matter lightly is incorrect in law.

4. I have considered the said submissions made by the learned counsel for the petitioner.

5. Even though, there is force in the submission from the learned counsel appearing for the petitioner, the first respondent being the disciplinary authority, considered the overall facts and circumstances of the case and passed an order admonishing the third respondent, stating that what he did was wrong and that in future, he should not prescribe any allopathic medicine



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to patients and it will be viewed very seriously and stringent action will be

taken. The first respondent thought it fit to give the third respondent another opportunity to correct his actions. Such a view cannot be considered perverse or without jurisdiction. When a disciplinary authority exercises its jurisdiction and imposes a minor punishment in all circumstances, this Court need not interfere in the same. However, it is for the first and second respondents to keep a vigil on the third respondent to ensure that he practices only homeopathy and not allopathy. It will also be open for the petitioner to file any complaints if he again come across the third respondent is prescribing allopathic medicine.

6. With such liberty granted to the petitioner, this Court is of the view that the impugned order need not be interfered with, this writ petition is disposed of accordingly. No costs.

21.03.2025

Neutral Citation: Yes/No
nsl



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