



W.P.No.17176 of 2023 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.17176, 17179, 17182, 17185 & 17186 of 2023
and W.M.P.Nos.16355, 16357, 16358, 16360 & 16362 of 2023

W.P.No.17176 of 2023 :-

A.Sivalingam

... Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 600 004.

2. The Superintendent of Police,
Sankari Main Road,
Salem District – 636 002.

3. The Deputy Superintendent of Police,
Sankari Police Station,
Salem District – 636 301.

4. The State Rep by its
The Inspector of Police,
Edappadi Police Station,
Salem District – 637 101.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from in any way interfering with out right to practice in Ayurveda medicines strictly in conformity with the Certificate of Community



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Medical Services and carry on lawful occupation under Article 19(1)(g) of the Constitution of India by considering the petitioner's representation dated 27.05.2023, in view of the law declared in Dr. Mukhtia Chand case [1998 (7) SCC 579].

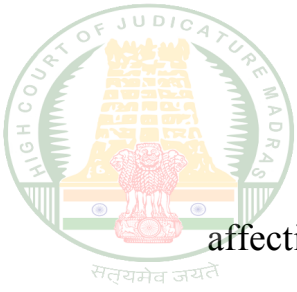
In all WPs.

For Petitioner : Mr.K.Rajendra Prasad
For Respondents
For R1 to R4 : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

These Writ Petitions have been filed to forbear the respondents from in any way interfering with the petitioners' right to practice and prescribe Ayurveda medicines strictly in conformity with the Certificate of Community Medical Services, to carry on lawful occupation under Article 19(1)(g) of the Constitution of India by considering their representation dated 27.05.2023.

2. It is the case of the petitioner in all the petitions that the petitioners are practitioners of Ayurveda medicines and they have undergone Community Medical Service Certificate Course (CMS) and obtained a Diploma in CMS. However, the respondents are labelling the petitioners as unqualified and they are threatening legal action, thereby



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affecting the rights of the petitioners to do their profession in their respective fields. In the affidavit filed in support of the writ petition, the petitioners have stated that they will not go to the extent of causing harm to the life of their customers.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. In the light of the said assurance given in the affidavit filed in support of the writ petitions, the respondents are directed to permit the petitioners to practice in their respective field alone. So long as the petitioners are practicing in their respective mode of medicine, the respondents and their police officials are restrained from initiating any action against them. However, it is open to the respondents or their officials to verify and find out whether the petitioners are practicing in other fields, viz., Siddha, Unani, Allopathy etc., and if the petitioners are practicing in such fields, it is open to the police officials to initiate action against such of the petitioners in accordance with law.



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WEB COPY 5. With the above directions, all the Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To
WEB COPY

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Salem District – 636 301.
4. The Inspector of Police,
Edappadi Police Station,
Salem District – 637 101.
5. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



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