



W.P.(MD).Nos.7079 and 7851 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).Nos.7079 and 7851 of 2022

and

W.M.P(MD)Nos.5372 and 5902 of 2022

K.S.Marimuthu

... Petitioner in both W.Ps

Vs.

The Director,
Directrate of Indian Medicine and Homeopathy,
Chennai-600 106.

...Respondent in both W.Ps

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter passed by the respondent in O.Mu.No.11994/Ne1/1/2021 dated 30.11.2021 and quash the same and consequently, direct the respondent to issue certified copies of the public documents sought by the petitioner in his representation/Application dated 04.10.2021 made under Section 74 and 76 of Indian Evidence Act, 1872, within a stipulated time fixed by this Court.

For Petitioner in

both W.Ps

: Mr.A.George Stephen Kanikkairaj

For Respondent in

both W.Ps

: Mr.M.Siddharth,
Additional Government Pleader



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COMMON ORDER

WEB COPY

The petitioner challenges an order passed by the Director, Directorate of Indian Medicine and Homeopathy, Arumbakkam, Chennai, dated 30.11.2021.

2.The petitioner had sought for issuance of certified copy, in terms of Section 76 of the Indian Evidence Act, of the Annual Confidential Report and Family Property details of two gentlemen, by name Manavalan and Parthiban.

3.The respondent sent a reply saying that Indian Evidence Act does not apply to the Director, Directorate of Indian Medicine and Homeopathy. Hence, this writ petition to quash the said proceedings and to issue certificates.

4.I heard Mr.A.George Stephen Kanikkairaj, learned counsel for the petitioner and Mr.M.Siddharth, learned Additional Government Pleader for the respondent.

5.In order for Section 76 of the Indian Evidence Act to apply, a party seeking for issuance of certified copy must be a person, who has a right to inspect the document and the document concerned should be a public document. The documents sought for in the present case are the Property Details and the Annual Confidential Report of two private individuals. They



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cannot be construed as public documents. The very fact records says that it is a confidential report shows that a member of the public does not have a right to demand the same or inspect the same, as to right. If that be the position, Section 76 of the Indian Evidence Act, does not apply. Therefore, the writ petitions fail and dismissed.

6.It is open to the petitioner to seek for any information that is available to them invoking Right To Information Act. If such an application is filed, it is for the respondent to decide on the merits of that application. In such an event, the rules relating to the disclosing of information belonging to third parties and the confidential information maintained by the authority, shall be followed. No costs. Consequently, connected miscellaneous petitions are also closed.

03.02.2025

NCC :Yes/No
Index : Yes / No
Internet : Yes/ No
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To
The Director,
Directrate of Indian Medicine and Homeopathy,
Chennai-600 106.



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V.LAKSHMINARAYANAN, J.
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