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W.P.No.2097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2097 of 2025

Mr.M.T.Arunan

... Petitioner

Vs.

1.The Secretary
Department of Ayush,
Red Cross Building, Parliament Street,
New Delhi

2.The, Secretary, CCH, (Central Commission for Homeopathy
No.61-65, 5th and 6th Floors, Institutional Area,
New Delhi-110 058

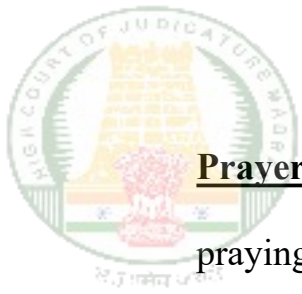
3.The, Secretary, NCH, (National Commission of Homeopathy
No.61-65, 5th and 6th Floors, Institutional Area,
New Delhi-110 058

4.The, Chairman, NCH, (National Commission for Homeopathy
No.61-65, Institutional Area,
Opp 'D' Block,
New Delhi-110 058.

5.Deputy Advisor (H)
Ministry of AYUSH, Govt of India,
AYUSH Bhawan,
BBlock,.GPO Complex,
INA Colony, New Delhi-110023

...Respondents

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W.P.No.2097 of 2024

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd respondent dated 26.3.2024 made in No.17-111/2022-NCH/11006 and quash the same and consequently direct the respondents to pay fees bills together with the interest at the rate of 24 percentage per annum on the bills from the receipt dates till payments within time frame.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.V.Ashok Kumar, CGSC for R.1 & R.5
: Mr.R.Rajesh Vivekananthan
for R.4 to R.4.

ORDER

This writ petition has been filed for the following relief:-

“calling for the records pertaining to the order of the 3rd respondent dated 26.3.2024 made in No.17-111/2022-NCH/11006 and quash the same and consequently direct the respondents to pay fees bills together with the interest at the rate of 24 percentage per annum on the bills from the receipt dates till payments within time frame.”



W.P.No.2097 of 2025

2.The short facts which has culminated in the filing of this Writ

Petition are as follows:-

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3.The petitioner would submit that he has been retained as a Standing Counsel for Central Council for Homeopathy from 2005 till 2019 for about 15 years. The petitioner is the only Standing counsel for Central Council for Homeopathy till June 2019. He is doing his professional duties as Standing Counsel perfectly to the satisfaction of the CCH officials as along as Dr.Ashish Datta was holding the office as Secretary. During his tenure, the petitioner had won many sensitive cases and was well appreciated by officials and there is no issue relating to payment of fees and expenses. After the end of Dr. Ashish Datta's tenure as Secretary, several issues arose relating to the payment of fees. The CCH officials thereafter began sending multiple communications, including instructions to the petitioner to furnish separate orders for each and every effective hearing that took place in the Madras High Court. The petitioner had explained everything very clearly stating that there is no separate order for the argument made by him for each and every case except the date of the pronouncement of the final order. Since several bills for engaging the services of the petitioner were not paid, the petitioner had visited CCH office New Delhi and explained the issues of the payment to the several officials including the 5th respondent. At that time, the 5th respondent

3/9



W.P.No.2097 of 2021

informed the petitioner that the payment would be made in February 2020.

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4. Meanwhile, the 2nd respondent had sent a communication dated 27.06.2019 informing the petitioner that they have engaged the services of other counsel in place of him. Thereafter, on 07.11.2019, the petitioner sent a communication to the 2nd respondent clearly setting out the details of each and every case conducted by the petitioner, along with the amounts payable. Thereafter, in February 2020, the petitioner had sent a detailed representation. Since the same was neither considered nor were the payments made, the petitioner had filed W.P. No. 6969 of 2021. By order dated 25.11.2021, this Court had directed the respondents to pay the amounts due to the petitioner in terms of the contract of appointment entered into between the petitioner and the respondents, as expeditiously as possible. As the respondents failed to comply with the said order, the petitioner had filed Contempt Petition No. 1210 of 2022. When the contempt petition came up for hearing, the respondents produced an order dated 06.06.2022, and in view of the same, this Court closed the contempt petition, granting liberty to the petitioner to work out the remedy by challenging the said order.

5. Therefore, the petitioner had filed another Writ Petition in WP.No.30454 of 2022 challenging the order dated 06.06.2022 and



W.P.No.2097 of 2024

consequently directing the respondents to pay bills together with interest at the rate of 24% per annum on the bills from the date of receipt of the respective bills till payments. This Court by order dated 01.02.2024 directed the respondents to consider the case of the petitioner within a period of 6 weeks. Pursuant to this order, the respondents without considering the case of the petitioner, passed the impugned order dated 26.03.2024 refusing to pay the professional fees claimed by the petitioner. Challenging the same, the petitioner is before this Court.

6. Heard the learned counsel on either side and perused the records.

7. It is seen that earlier the Writ Petitioner had filed WP.No.30454 of 2022 seeking to issue a writ of certiorarified mandamus to quash the order dated 06.06.2022 and direct the 2nd respondent to pay the bill with interest at 24 % per annum. The learned Judge after hearing the parties had passed the following orders on 01.02.2024 :-

“7. If there is no dispute in respect of settlement of fees, then a direction may be issued to settle the same. This being the legal principles to be followed in respect of the undisputed bills, the learned counsel for the respondents submitted that the fees due to the petitioner had already been settled, and in respect of disputed bills, the learned



WEB COPY



W.P.No.2097 of 2024

counsel for the petitioner would submit that further documents are submitted.

8. That being the factum established, the respondents are directed to consider the additional documents filed by the petitioner and the eligible legal fees shall be settled as per the OM and regulations in force. In respect of disputed claims, the petitioner is at liberty to approach the competent Civil Court of law. The respondents are directed to consider the case of the petitioner in respect of the Additional Document within the period of 6 weeks from the date of receipt of a copy of this order.”

8. Thereafter, the petitioner has come forward to file the present writ petition challenging the order dated 26.03.2024 which is a communication that has been sent by the 3rd respondent. In the said letter, the 3rd respondent had stated that, with reference to the amounts set out in Table-2, as against the demand of Rs.4,24,820/- for 9 cases, a sum of Rs3,42,060/- has already been paid. With regard to the fees payable for 6 cases listed in Table-3, the amounts have not been paid on the ground that the supporting documents has not been submitted. Further, in respect of the 24 writ petitions mentioned in paragraph No. 5 of the said communication,

6/9



W.P.No.2097 of 2025

payment have not been made for want of supporting documents. The impugned order clearly states that without supporting documents, further action cannot be initiated. Therefore, after hearing both sides and perusing the documents available on record, the writ petition is disposed of with the following directions:

(1) The disputed amount shall be recovered by filing an appropriate Civil Proceedings.

(ii) With regard to the list of cases mentioned in paragraphs 3 and 5 of the impugned order, the petitioner shall produce the necessary documents, and upon receipt thereof, the respondents shall consider the same and pass appropriate orders.

(iii) The order shall be passed within a period of 4 weeks from the date of submission of the necessary documents by the petitioner.

No costs.

07.01.2026

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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WEB COPY

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P.T. ASHA. J.,

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