

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-03-2020

CORAM

**THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

W.P.Nos.7416 and 7417 of 2020

W.P.No.7416 of 2020

K.Muthu Kumar Nayakar

... Petitioner

Vs.

1. The Ministry of Health and Family Welfare
Rep. by its Secretary
Nirman Bhavan,
New Delhi - 110 011.

2. The Ministry of Ayush
Rep. by its Secretary
Ayush Bhawan,
GPO Complex,
New Delhi - 110 023.

3. The State of Tamil Nadu
Rep. by its Secretary
Department of Health and Family Welfare,
Secretariat, Chennai - 9.

4. The Central Council for Research in Siddha
Rep by its Director
Siddha Central Research Institute,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai - 600 106.

... Respondents

W.P.No.7417 of 2020

Ayush Medical Welfare Association
Rep. by its President
Dr.K.M.Guru @ Senthamizh Selvan,
Cheyyar.

... Petitioner

Vs.

1. Govt. of Tamil Nadu
Rep. by Principal Secretary
Health & Family Welfare Department,
Fort St. George, Chennai - 9.

2. The Director
Directorate of Indian Medicine and
Homeopathy
Arumbakkam,
Chennai - 600 106.

3. The Secretary
Ministry of Ayush
Ayush Bhawan,
GPO Complex,
New Delhi - 110 023.

4. The Director General
The Central Council for Research in Siddha
Siddha Central Research Institute,
Arignar Anna Govt. Hospital Campus,
Arumbakkam, Chennai - 600 106.

... Respondents

Prayer in W.P.No.7416 of 2020 : Writ petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1 to 3 respondents to issue appropriate direction to the 4th respondent to test the Indian Traditional Medicine Herbal Mixture (Siddha) for curing the COVID-2019 by considering the petitioner's representations, dated 16.03.2020 and 21.03.2020 within the time stipulated by this Court.

Prayer in W.P.No.7417 of 2020 : Writ petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, as prayed therein.

For Petitioner : Dr.K.M.Senthamizh Selvan,
party-in-person
in W.P.No.7417 of 2020

For Respondents : Mr.P.H.Arvind Pandian
Additional Advocate General
in both writ petitions

COMMON ORDER

(Order of the Court was made by Dr.VINEET KOTHARI, J)

We have taken up these writ petitions for hearing through Video Conferencing in view of the lockdown announced by the State Government and the country wide lockdown announced by the Hon'ble Prime Minister in view of COVID-19 threat perception and as the usual working of the Courts is not taking place under the various circulars issued by High Court and the present Division Bench as per the assigned Roaster by the Hon'ble Chief Justice, has made arrangements for hearing of the present petition through Video Conferencing, sitting at respective residence offices and connected on "ZOOM" platform to connect to the concerned counsels or party-in-person through the technology support of Registry and Technicians.

2. We heard Dr. K.M.Senthamizh Selvan, petitioner present in person (W.P.No.7417 of 2020) through Video Conferencing as well as Mr.P.H.Arvind Pandian, learned Additional Advocate General.

3. The essential prayer made in these petitions filed by Mr.K.Muthu Kumar Nayakar and Dr.K.M.Senthamizh Selvan of Ayush Medical Welfare Association (AMA), Chennai is to direct the State Government to constitute a committee to consider the representations of these persons / societies or associations to allow the authorised medical practitioners and others to provide relief and help to the Corona affected people and others, as preventive measures or treatment or curative measures in the form of Alternative Medicines by way of Ayurvedha / Siddha / Unani / Homeopathy or Naturopathy methods, besides Allopathy, which is commonly used.

4. The learned Additional Advocate General, Mr.Arvind Pandian has submitted, upon instructions that the Health Secretary of the State Government has, already constituted a Technical Committee comprising of the experts in various fields, who will consider all such Representations filed in this regard and issue appropriate Guidelines for these practitioners of the respective fields and also for common public members and under which as directed by the said Committee, such guidelines can be followed by the persons concerned.

5. **Issue notice.** Returnable in four weeks.

6. In view of the Technical Committee already having been constituted for this purpose during the present times of COVID 19 or Corona Virus spreading world over, we direct the said Committee to consider all the concerned representations made in this regard to the State Government, for prevention and treatment of the said disease and also for the other measures like Alcoholic and Non-alcoholic (Nanolife) Hand Sanitizers and other types of Sanitizers, Soaps and Mask of various types, which can be provided or supplied to the people at large, for meeting the said emergency of COVID-19. We hope and expect that the said Committee and the State Government shall take appropriate decision in this matter as quickly as possible, so that the public at large can avail the benefit of the same, immediately.

7. The matter may now be posted before the Court after four weeks, once the Courts resume the regular working, after the lockdown period is over.

(V.K. J.) (R.S.K. J.)

30-03-2020

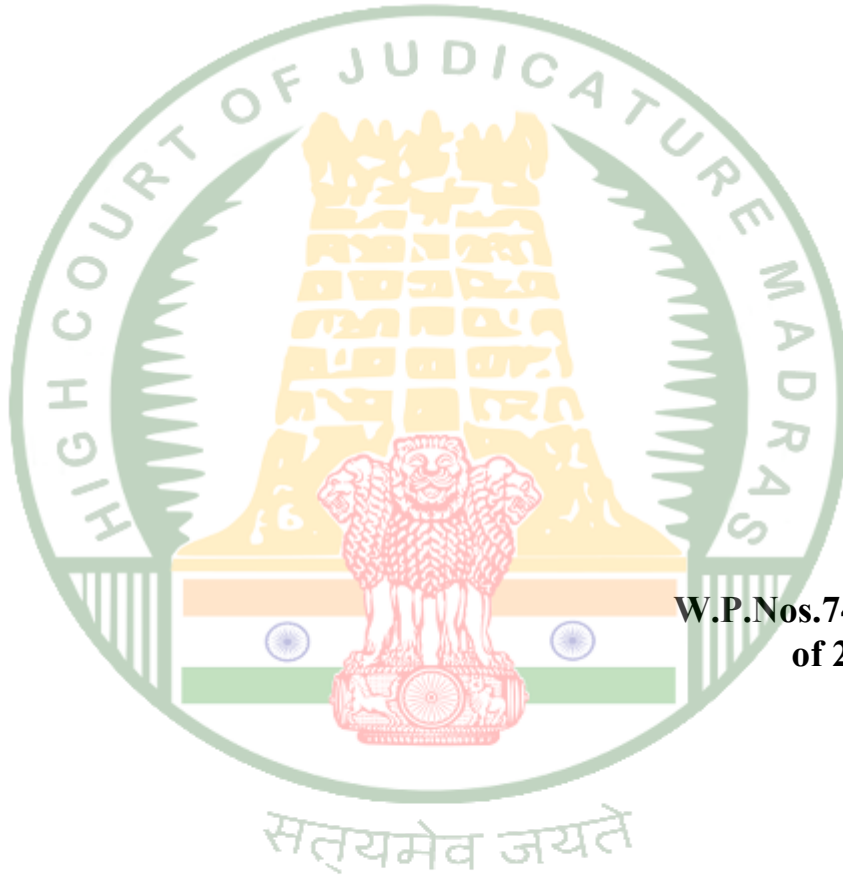
Index : Yes / No

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Order in W.P.Nos.7416 and 7417 of 2020, dated 30.03.2020
[M/s. K.Muthu Kumar Nayakar v.
The Ministry of Health and Family Welfare, New Delhi and 3 others]
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DR.VINEET KOTHARI, J.
AND
R.SURESH KUMAR, J.

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of 2020**

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