

ITEM NO.3

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 645 OF 2022

INDIAN MEDICAL ASSOCIATION & ANR.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IA No. 78328/2024 - APPLICATION FOR PERMISSION
IA No. 77726/2024 - APPLICATION FOR PERMISSION
IA No. 130554/2022 - CLARIFICATION/DIRECTION
IA No. 86162/2024 - EXEMPTION FROM FILING ANNEXTURES
IA No. 78630/2024 - EXEMPTION FROM FILING O.T.
IA No. 16915/2023 - EXEMPTION FROM FILING O.T.
IA No. 13659/2023 - INTERVENTION APPLICATION)

Date : 30-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. P S Patwalia, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Amarjeet Singh, AOR
Mr. Priyanshu Tyagi, Adv.
Mr. Rishav Rai, Adv.
Ms. Deveshi Chand, Adv.
Mr. Dipanshu Krishan, Adv.

For Respondent(s) Mr. K M Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Piyush Beriwal, Adv.

Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Vineet Singh, Adv.
Mr. Varun Chugh, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Harish Pandey, Adv.

Mr. Anil Hooda, Adv.
Mr. Rajesh Singh Chauhan, Adv.

Mrs. Priya Mishra, Adv.
Mr. Amrish Kumar, AOR

Avni Singh, Adv.
Mr. Jitin Chaturvedi, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vipin Sanghi, Sr. Adv.
Mr. Balbir Singh, Sr. Adv.
Mr. Arvind Nayar, Sr. Adv.
Mr. Simranjeet Singh, Adv.
Mr. Gautam Talukdar, AOR
Mr. Raushal Kumar, Adv.
Ms. Apurbaa Dutta, Adv.
Ms. Neha Gupta, Adv.
Ms. Smita Jain, Adv.
Mr. Karan Jain, Adv.
Mr. Rishabh Pant, Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Rohit Gandhi, Adv.
Mr. Naman Tandon, Adv.
Mr. Hargun Singh Kalra, Adv.
Mr. Akshay Joshi, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Ms. Vanshaja Shukla, AOR
Ms. Ankeeta Appanna, Adv.
Mr. Shyam Agrawal, Adv.
Mr. Siddhant Yadav, Adv.

Mr. Amarjit Singh Bedi, AOR

Ms. Mrinmoi Chatterjee , AOR

**UPON hearing the counsel the court made the following
O R D E R**

1. Applications seeking permission, exemption from filing official translation and annexures are allowed.
2. Mr. Mukul Rohatgi, Mr. Vipin Sanghi and Mr. Balbir Singh, learned Senior counsel appearing for the respondents No. 5 to 7, seek to rely on a set of documents filed on behalf of the respondents No.5 to 7 under index dated 24th April, 2024, along with additional affidavits sworn by them. The documents filed are not in terms of the directions issued by the Court.

3. It is submitted that there has been a misunderstanding of the orders passed by this Court on the part of the briefing counsel. Mr. Mukul Rohatgi requests that another opportunity be granted to comply with the orders passed by this Court on 23rd April, 2024, by filing the relevant pages of each newspaper, in original wherein a public apology has been published by the respondents No. 5 to 7, tendering an unqualified public apology on their part for violating the orders of this Court passed on 23rd April, 2024 by continuing to issue deceptive advertisements and for breaching the undertakings given to this Court.

4. The Registry is directed to accept the said documents when filed.

5. Mr. Rohatgi, learned Senior counsel has also sought to draw the attention of this Court to an interview given by the current President of the petitioner No.1-IMA, which he submits is critical of the order passed by this Court on 23rd April, 2024 and amounts to contempt of court. He seeks leave to file a copy of the said publication carrying the said interview. Needful shall be done within two weeks with a copy to learned counsel for the parties.

6. Lastly, a request is made on behalf of the respondents No.6 and 7 seeking exemption from appearing in Court on the next date of hearing. Exemption is granted limited to the next date of hearing, i.e. 7th May, 2024.

7. Coming next to the directions issued on 10th April, 2024, Dr. Girish Chandra Jangpangi, the previous Joint Director, State Licensing Authority, Uttarakhand, Dr. Mithilesh Kumar, the present Joint Director, State Licensing Authority, Uttarakhand and all officers holding the post of District Ayurvedic and Unani Officer, Haridwar, Uttarakhand for the period from 2018 onwards were directed to file their respective affidavits explaining the inaction on their part despite receiving correspondence from the Ministry of AYUSH, Union of India enclosing therewith a complaint received in the office of the PMO and earlier complaints dating back to the year 2018

onwards, pointing out non-compliance of the provisions of the Drug and Magic Remedies Act and Rules on the part of the respondents No.5 to 7.

8. Mr. Dhruv Mehta, learned Senior counsel appearing for the State Licensing Authority submits that five affidavits in all have been filed by the following officers :

- (i) Dr. Mithilesh Kumar, present Joint Director, State Licensing Authority, Uttarakhand;
- (ii) Dr. Girish Chandra Jangpangi, former Joint Director, State Licensing Authority, Uttarakhand and presently posted as District Ayurvedic and Unani Officer, Dehradun, Uttarakhand;
- (iii) Dr. Swastik Suresh, present District Ayurvedic and Unani Officer, Haridwar, Uttarkhand;
- (iv) Dr. Rajeev Kumar Verma, retired in August, 2023 as the District Ayurvedic and Unani Officer, Haridwar, Uttarkhand;
- (v) Dr. Vinay Kumar Sharma, retired six years ago as the District Ayurvedic and Unani Officer, Haridwar, Uttarkhand.

It is submitted that Dr. Pramod Kumar Kapoor, who had retired as the District Ayurvedic and Unani Officer, Dehradun, Uttarkhand on 29th February, 2020, is unwell and presently confined to bed.

9. We have perused the aforesaid affidavits and expressed our dissatisfaction with the explanations sought to be offered. What is apparent from the affidavits is that the authorities have got activated into taking action in accordance with law, only after this Court passed an order on 10th April, 2024. No constructive action was taken by any of them before the said date.

10. As Mr. Dhruv Mehta, learned Senior counsel requests that additional affidavits may be permitted to be filed by the aforesaid officers, permission is granted to them to do so within 10 days.

11. List on 14th May, 2024, to examine the additional affidavits

proposed to be filed, at the top of the Board.

12. The records reveal that one Mr. Mursalin Asijit Shaikh, applicant-in-person has filed an intervention application (I.A. D.No. 95540 of 2024) which is stated to be lying under defects.

13. The Registry shall list the said application before this Court on the next date of hearing, as it is. The Registry is also directed to print the name of Mr. Mursalin Asijit Shaikh, applicant-in-person, in the cause list on the next date.

14. As ordered by this Court, list this matter on 07th May, 2024, for reporting compliance of the directions issued in paras 6 to 10 of the order dated 23rd April, 2024, at the top of the Board.

(Nand Kishor)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS