

WMP(MD)No.8496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 22.09.2023

Pronounced on : 11.03.2024

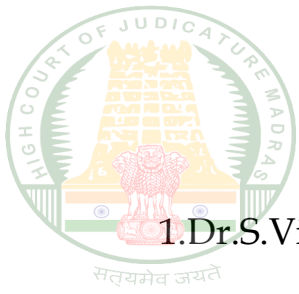
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WMP(MD)No.8496 of 2023 in
WP(MD)No.5149 of 2019

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Health and Financial Works Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Indian Medicine and Homoeopathy,
Arumbakkam, Chennai – 600 106.
- 3.The Principal,
Government Siddha Medical College & Hospital,
Palayamkottai, Tirunelveli.
- 4.The District Collector,
Tirunelveli District, Tirunelveli.
- 5.The Assistant Engineer,
Public Works Department,
Construction Wing, Medical Services,
Palayamkottai, Tirunelveli District. ... Petitioners

v.



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1. Dr. S. Vijay Vikraman

2. The Registrar,
Tamil Nadu MGR Medical University,
No.69, Anna Salai, Chennai - 600 032.

3. The Secretary,
Central Council of Indian Medicine,
No.61/65, Industrial Area,
Janakpur, New Delhi - 110 058.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to modify the order dated 15.12.2020 made in WP(MD)No.5149 of 2019, enabling the petitioners to demolish the old building and to construct / renovate the new building, by lifting the prohibition order imposed on them for demolition and construction and to permit the activities to improve the infrastructure of the Government Siddha Medical College at Palayamkottai, Tirunelveli.

For Petitioners : Mr. Veera Kathiravan,
Additional Advocate General
Assisted by
Mr. P. Thilak Kumar,
Government Pleader

For Respondents : No appearance



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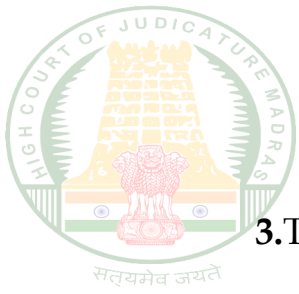
ORDER

B.PUGALENDHI, J.,

This modification petition is filed by the petitioners / Government for modifying the order passed by this Court in WP(MD)No.5149 of 2019, dated 15.12.2020, in and by which, the petitioners have been prohibited from demolishing the existing buildings and other places of common amenities and constructing any new building at the Government Siddha Medical College, Palayamkottai, till such time, they establish a University for Indian Medicine at Chettikulam, Tirunelveli or any other place.

Background of the case:-

2.The Government Siddha Medical College at Palayamkottai is the first of its kind in Siddha medicine in India. The College was originally functioning at Courtallam and it was shifted to Palayamkottai in November, 1964, as a temporary measure. The College is having an intake capacity of 100 Students for Undergraduate and 60 Students for Postgraduate courses. The College is having a strength of 650 students.



3. The Indian Medicine Central Council Act was enacted in the year 1970 and as per Section 36 of the Act, certain regulations have been made fixing the minimum standard requirements for a Siddha College. As per the Indian Medicine Central Council (Minimum Standard Requirements of Siddha College and attached Hospitals) Regulations, 2013, the existing Siddha Colleges and new Siddha Colleges shall fulfill the minimum standard requirements of infrastructure, such as having not less than 5 acres of land for an intake capacity of 60 to 100 Students. The Siddha Medical College at Palayamkottai is not having the required land and therefore, the College is having their Hostel in a separate land 2 kms away from the existing premises. The main campus at Palayamkottai is with an extent of 4.91 Acres and the annex campus at Vannarapettai is with an extent of 1.67 Acres.

4. Apart from the above, the Siddha College also requires a Garden for medicinal plants to an extent of 4000 sq.metre (ie., 2 Acres) for an intake of 60 Students and above. However, in the Palayamkottai campus, since the land available was only 4 acres, it lacks herbal garden,



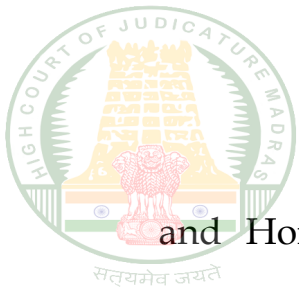
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playground, auditorium for the Students. Therefore, during the year

2004, there was an agitation demanding necessary infrastructure.

5.The agitation of the Students drew the attention of the Government and they were assured that necessary infrastructure would be made available. The Government, in order to maintain the identity and high quality of medical education in Siddha Medicine and other Indian system of medicine and homeopathy; in order to develop the research facilities and to provide for advancement and dissemination of knowledge in the field of Siddha, Ayurveda, Yoga & Naturopathy, Unani, Homeopathy and also taking the Tamil medicine to international level among the scientific community and public, has also mooted a proposal in the year 2004 for establishing a separate University for Siddha and other systems of Indian Medicine.

6.In this regard, the Government has passed G.O.Ms.No.11, Health and Family Welfare Department, dated 14.01.2011, sanctioning the establishment of a separate University exclusively for Indian Medicine

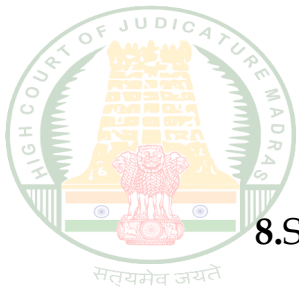


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and Homeopathy. The Government has also passed G.O.Ms.No.38,

Health and Family Welfare Department, dated 23.01.2012, sanctioning the creation of posts of Special Officer and other staff to enable the creation of such a University. However, nothing had happened towards the establishment of the University.

7.While so, during the year 2014, which also happens to be the Golden Jubilee Year of the Government Siddha Medical College, Palayamkottai, the Government of Tamil Nadu has sanctioned a sum of Rs.8 Crores for the development of infrastructure. There is also a proposal to construct a Golden Jubilee Building. But, there is no space for such construction. Therefore, the Government has proposed to construct a Golden Jubilee Hall by demolishing the old Administrative Block. However, it was later on found that the Administrative Block is a heritage building and that therefore, it cannot be demolished. Hence, they have proposed to demolish the Pediatric Ward, Green House, Car Shed etc.



8. Since no action was forthcoming with regard to the establishment of a separate University, a former Student of the Government Siddha Medical College, Palayamkottai, has filed a public interest litigation in WP(MD)No.7582 of 2014, for a mandamus to the officials to establish the proposed University for Indian Medicine in Chettikulam, Tirunelveli.

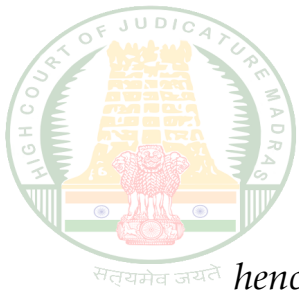
9. In the said writ petition, the Division Bench of this Court, by order dated 29.04.2014, sought for a report from the Government on the following queries:-

“i) Examine the feasibility of relocating the Palayamkottai Siddha Medical College and Hospital, in a land of a larger extent where the institution can be developed into an institution of State of the art with a possibility for elevating it into the status of a University.

ii) The respondents shall not carry out anything that will make the Central Council of Indian Medicine, pass any order adverse to the interest of the institution.

iii) The first respondent shall file a report into Court on 03.06.2014, when the writ petition will be taken up for further hearing, so as to ensure that one fo the prestigious institutions in this part of the country, os preserved intact and also developed into an institution of higher learning and research.”

10. The Secretary to Government, Health and Family Welfare Department, filed a report-cum-affidavit as under:-



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“(i) The space available in the campus is very limited and hence, there is no scope for expansion. Consequently, the norms laid down by the Central Council of Indian Medicine cannot be fulfilled.

(ii) There is acute water problem in the campus.

(iii) The members of the faculty as well as students represented to the Commissioner of Indian Medicine–cum-Homeopathy that the Post Graduate Courses may be shifted to Courtallam, so that a separate institution on the lines of National Institute of Siddha could be founded there.

(iv) The students association appear to have demanded development of tissue culture for protecting and preserving the herbs necessary to manufacture Siddha Medicine, by entering upon a Memorandum of Understanding with the Tamil Nadu Agricultural University, the Forest Department and the Horticulture Department.

(v) The District Collector assured to allocate 50 acres of land for the college.

(vi) The Government originally sanctioned Rs.5.00 Crores under G.O. 4(D) No.15 Health and Family Welfare Department dated 30.10.2012 for improving the infrastructure. But, an additional amount of Rs.5.00 Crores is sought for so as to enable the location of the Post Graduate Courses at Courtalam.

(vii) The Commissioner of Indian Medicine-cum-Homeopathy is working at a detailed proposal in consultation with the District Administration and the Principal of the college has written a letter to allocate 5 acres of land at Idaikaal Village in Tankasi for locating Post Graduate Courses.”

11.After hearing the parties, Justice V.Ramasubramanian [as His Lordship then was], speaking for the Bench, has expressed that the Government is not providing patronage to the indigenous system of medicine. The Division Bench referred to a previous judgment of one of



them [V.R.S.,J] in the case of *Dr.T.Arulselvam v. B.Santhi* [W.P.Nos.

3589, 4452 of 2012, dated 12.03.2012], where the significance of

indigenous system of medicine has been dealt with in the following

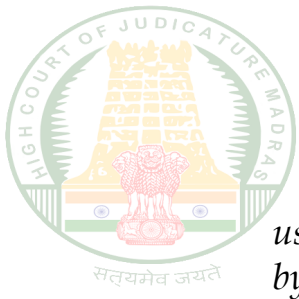
lines:-

“SIGNIFICANCE OF INDIGENOUS SYSTEMS

53. *The history of Ayurveda and Siddha dates back to several centuries. Literally meaning the "science of life", Ayurveda is often used in a narrow sense as a "system of medicine", which considerably dilutes and distorts its real scope and objective. Health, according to Ayurveda is not only freedom from disease. According to Susruta, one of the great early practitioners, it is a state of the individual where, in addition to harmony among the functional units (dosas), digestive and metabolic mechanisms (agnis), structural elements (dhatus), and waste products (malas), a person should also be in an excellent state (prasanna) of the spirit (atman), senses (indriyas), and mind (manas). The Encyclopedia Britannica states that Ayurvedic practitioners work in rural areas, providing healthcare to at least 5 million people in India. Pointing out that the golden age of Indian medicine from 800 B.C., till 1000 A.D., was marked by the production of the medical treatises known as "caraka-samhita" and "susruta-samhita", the Britannica records in page 776 of Volume-23 (15th Edition) as follows:-*

'In surgery, ancient Hindu medicine reached its zenith. Operations performed by Hindu surgeons included excision of tumours, incision and draining of abscesses, punctures to release fluid in the abdomen, extraction of foreign bodies, repair of anal fistulas, splinting of fractures, amputations, cesarean sections, and stitching of wounds.

A broad array of surgical instruments were used. According to Susruta, the surgeon should be equipped with 20 sharp and 101 blunt instruments of various descriptions. The instruments were largely of steel. Alcohol seems to have been



used as a narcotic during operations, and bleeding was stopped by hot oils and tar.

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Hindu surgeons also operated on cataracts by couching or displacing the lens to improve vision.'

54. In a Book titled "Man and Medicine - A History" authored by Farokh Erach Udwadia, an Emeritus Professor of Medicine (Allopathy) and published by Oxford University Press (2001 Edition), an interesting event is reported at page No.43. It is about the documented performance of rhinoplasty (for which Susruta was famous) witnessed and recorded in 1793 in Pune. A Parsee gentleman by the name of Cowasjee, who was serving the English Army at the time of the Mysore War in 1792, was captured by the soldiers of Tipu Sultan. His nose and one hand was cut off. He and 3 of his friends, who had met with the same fate, consulted a person who was only a bricklayer by profession. The bricklayer performed a surgery, which was witnessed by Thomas Cruso and James Findlay, Senior British Surgeons in Bombay Presidency. They described and drew the skin graft procedure and the same was published in the Madras Gazette. It was later reproduced in the October 1794 issue of the Gentleman's Magazine of London. The surgery was described in the following words:-

'A thin plate of wax is fitted to the stump of the nose so as to make a nose of a good appearance, it is then flattened and laid on the forehead. A line is drawn around the wax which is then of no further use and the surgeon then dissects off as much skin as it had covered, leaving undivided a small slip between the eyes. This slip preserves the circulation till a union has taken place between the new and old parts.

The cicatrix of the stumps of the nose is next paired off and immediately behind the new part an incision is made through the skin which passes around both alae, and goes along the upper lip. The skin now brought down from the forehead and being twisted half around, is inserted into this incision, so that a nose is formed with a double hold above and with its alae and septum below fixed in the incision.

A little Terra Japonica (pale catechu) is softened with



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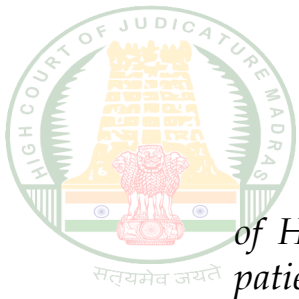
water and being spread on slips of cloth, five or six of these are placed over each other to secure the joining. No other dressing but this cement is used for four days. It is then removed and clothes dipped in ghee (clarified butter) are applied. The connecting slip of skin is divided about the twentieth day, when a little more dissection is necessary to improve the appearance of the new nose. Four, five or six days after the operation, the patient is made to lie on his back and on the tenth day bits of soft cloth are put into the nostrils to keep them sufficiently open.'

55. The learned author of the Book Mr.Udwadia, goes on to say that the above occurrence caught the attention J.C.Carpue, a 30 year old Surgeon in London. He successfully used the same skin graft procedure for nose repair on a patient in 1814. He reported his successful results in 1816, introducing the "Hindu Surgical Technique" and with it, "The Indian Nose" to the West.

56. After pointing out that Susruta recommended the use of a facial skin flap for repair of a cleft lip, the author of the book states that Carl Ferdinand Von Graefe (1747-1840) popularised the Indian Surgical Technique of plastic reconstruction of the nose in Germany and Europe.

... ..

58. As is the case with Ayurveda, the Siddha System of Medicine also has a history which dates back to several centuries. Traditionally believed to have been developed by 18 Siddhas including Sage Agasthiya, the Siddha System of Medicine has its own merits. But unfortunately, due to lack of patronage for the culture of the ancient times, this system of Medicine also suffered to a great extent under the colonial rule. It will be of interest to know that an Allopathy Doctor and Professor by name Dr.C.N.Deivanayagam, who is a Fellow of the Royal College of Physicians (Edinburgh), who retired as the Superintendent of the Government Hospital of Thoracic Medicine, Tambaram, presented a paper titled "HIV/AIDS and Siddha System of Healthcare - an experience of 13 years". He reported in the said paper that after the Government Hospital of Thoracic Medicine at Tambaram adopted an open door policy for HIV/AIDS in 1992, there was an exponential increase in the number



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of HIV sufferers seeking care and treatment. While the number of patients were only 2 in 1993, it rose upto 365 in 1996 and 6,791 in the year 2000. Since ARV Drugs could not be provided by the Government to all the patients, the Hospital invited 90 Siddha Physicians to a Seminar to identify suitable Siddha formulations to combat the killer disease. All of them agreed on formulations containing processed sulphur and processed Mercury to fight the disease. As a consequence, a formulation known as RAN was born as the child of Tambaram. The acronym RAN stands for Rasagandhi Mezhugu, Amukkira Chooranam and Nellikkai Ilagam. It has become an immunogenic and adaptogenic drug. The said Medical Practitioner demonstrated through laboratory evidence that there was clinical improvement in more than 60% of the patients, who received either RAN alone or in combination with OL controlling drugs (reported in the publication "Evaluation of Siddha Medicare in HIV Disease" - JAPI March 2001, 49:390-1. - an indexed Journal)."

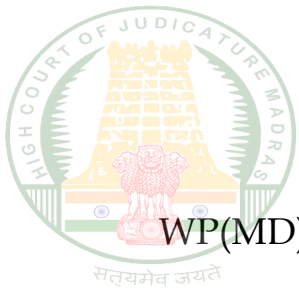
12. After elaborately discussing about the indigenous system of medicines, the Division Bench has passed an order dated 22.04.2016, directing the Government to take steps to give effect to G.O.Ms.No.38, Health and Family Welfare Department, dated 23.02.2012, ie., establishing a separate University for Indian System of Medicine, by considering the allotment of land at Chettikulam, which was originally earmarked for Manonmaniam Sundaranar University, since it got shifted later.



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WEB COPY 13. However, the Government without proceeding with the establishment of University, has attempted to renovate the existing building at Palayamkottai. Therefore, the very same petitioner, ie., former Student of the Government Siddha Medical College, has filed the subsequent writ petition in WP(MD)No.5149 of 2019, as a public interest litigation, for a mandamus forbearing the officials from demolishing the existing building at Government Siddha Medical College, Palayamkottai, till such time they establish a University for Indian Medicine at Chettikulam, Tirunelveli District.

14. As against this order dated 22.04.2016, passed by the Division Bench in WP(MD)No.7582 of 2014, the Government has not preferred any appeal and as such, it became final. While so, the Government, without proceeding with the establishment of a separate University at Chettikulam, has proposed to demolish and renovate the existing building, which is not having the required space as per the regulations of the Central Council for Indian Medicine. Therefore, this Court in

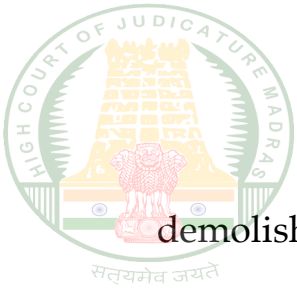


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WP(MD)No.5149 of 2019, has passed an order dated 15.12.2020,

forbearing the officials from demolishing the existing building and other places of common amenities at the Government Siddha Medical College, Palayamkottai, till they establish a University for Indian Medicine at Chettikulam, Tirunelveli or at any other place. This Court has also suggested the Government to utilise the funds, that was already sanctioned for construction of the new building, for the establishment of University for Indian Medicine, as directed by the earlier Division Bench of this Court in WP(MD)No.7582 of 2014, dated 22.04.2016.

15. Now, the present Government has taken a policy decision to establish a separate Siddha University for Indian System of Medicine near Chennai vide G.O.Ms.No.93, Health and Family Welfare Department, dated 10.03.2022. They have also brought in a new Act, namely, Tamil Nadu Siddha Medical University Act, 2022, which is pending for the assent of the Hon'ble Governor. Therefore, the present miscellaneous application is filed to modify the earlier order dated 15.12.2020 made in WP(MD)No.5149 of 2019 enabling the Government to



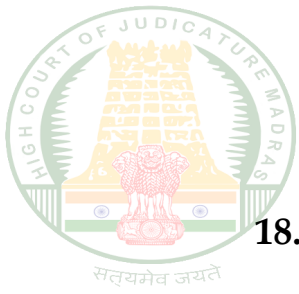
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demolish the old building at the Government Siddha Medical College, Palayamkottai and to renovate the same.

Petitioners' stand:-

16.Learned Additional Advocate General submitted that it is the policy decision of the Government of Tamil Nadu to establish the Siddha Medical University for Indian System of Medicine near Chennai. They have already constituted a High Level Committee and also accorded a post of Special Officer vide G.O.Ms.No.93, Health and Family Welfare Department, dated 10.03.2022.

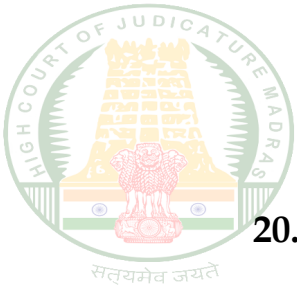
17.The existing College at Palayamkottai was established in the year 1964 and it is in a dilapidated condition. It needs to be demolished and new infrastructure have to be provided. The Government has already sanctioned a sum of Rs.5 Crore in the year 2012 and additional sum of Rs.5 Crore in the year 2014. Under the Centrally Sponsored Scheme, a sum of Rs.1.7 Crore was sanctioned for the construction of separate buildings for the Diploma Courses conducted by the College.



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18.The buildings of the College are in poor condition and need to be replaced by new buildings. With the limited availability of land in the College, the infrastructure can be improved only by demolishing the existing buildings that are not having any heritage value. Due to the prohibition order on the Government from demolishing the existing buildings, putting up of new constructions has been hampered and the sanctioned funds are lying idle.

19.Establishing a separate University for Indian Medicine and improving the infrastructure at the Siddha Medical College, Palayamkottai, are two different projects. Citing the non-commencement of one project, the other project should not be stalled. In any event, since necessary actions have now taken towards the establishment of a University and Tamil Nadu Siddha Medical University Act, 2022, is pending for the assent of the Hon'ble Governor, learned Additional Advocate General prayed for appropriate orders lifting the prohibition order.



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20. Heard the learned Additional Advocate General appearing for the petitioners / Government. There is no representation for the first respondent / writ petitioner.

Importance of Siddha:-

21. Siddha system of medicine is one of the world's oldest systems of medicine. This system has emerged through the Siddhars, who are believed to have certain yogic powers. It is believed to have been derived from Lord Shiva. Lord Shiva is the first Siddhar, who disclosed this system of medicine to Lord Parvathi Devi and through Nandhi Devar, it reached Agastya Siddhar and it flourished through his disciples, Therayar and Pulathiyar. Agastya is said to have performed several surgeries, including head surgery. Recently, a hospital set up is discovered at Thoranamalai, which is 45 kms away from Tirunelveli.

22. There was a line of 18 Siddhars and Agastya, who developed Tamil Language, has also contributed to this system of medicine. The Siddhars passed their knowledge to their disciples, preserved and



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practiced the medicine from generation after generation and also transcribed the same on palm-leaf manuscripts.

23.From the manuscripts of Agastya, it was found that there are more than 4000 herbs in Thoranamalai alone. Athiri Hills, which is near Thoranamalai, is another potential place, where the herbs are available in plenty. In Athiri Hills, the famous Siddhars, Korakkar and Therayar said to have stayed and treated several people. These Hills are parts of Western Ghats [Pothigaimalai], which is full of herbs. Even today, the falls of Courtallam is believed to have medicinal value curing many diseases. Likewise, Palani Hills and Alagar Hills are also rich source of herbals. Bogar Siddhar and his disciple, Pulipani Siddhar practiced Siddha medicine from Palani Hills and Ramadevar Siddhar practiced Siddha from Alagar Hills.

24.In this system, the medicines are prepared with the herbs and minerals. Therefore, when a decision was taken to start the first College of Siddha in Tamil Nadu, Courtalam in the Western Ghats, which is



adjacent to Pothigaimalai where Agastya lived, was identified for the

same. The College was started at Courtallam in the year 1956 and it was temporarily shifted to Palayamkottai in the year 1964.

College at Palayamkottai:-

25. From Courtallam, the College was temporarily shifted to Palayamkottai in the year 1964, in an abandoned maternity ward. It appears that for the convenience of the professors and the staff, it was allowed to continue in the temporary place for the past 60 years. The present main campus at Palayamkottai is less than 5 acres which is not adequate for a Siddha Medical College. Therefore, by keeping an annex campus at Vannarapettai with an extent of around 2 acres, at a distance of 2 kms, the Institution is continuing.

26. A minimum of 5 acres of land is required for a Siddha College, which has an intake capacity from 60 to 100 Students. This College is having an intake capacity of 100 Undergraduate Students and 60 Postgraduate Students and having 650 Students studying in the College.



In addition to the above, every Siddha College shall have a Hospital. The

requirements of a Teaching Hospital is extracted as under:-

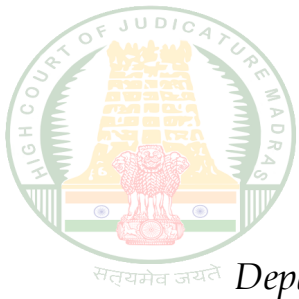
“7. Requirements of teaching Hospital

(1) The teaching hospital shall fulfill all the statutory requirements of the concerned State or Union territory or local authority to establish and run the hospital and shall submit the updated certified copies of such permission(s) or clearance(s) to the Central Government and the Central Council, and the concerned State Government or Union territory shall verify the availability of such permission(s) or clearance(s) before issuing the No Objection Certificate to such applicant colleges.

(2) Requirement of beds, bed occupancy and Out Patient Department attendance : The ratio of students with number of beds, In-Patient Department bed occupancy and Out-Patient Department attendance shall be 1:1, forty percent and 1:2 respectively for under graduate courses, as given in Table below and the distance between two beds in general ward should not be less than one and a half meter.

Table

<i>Intake capacity per year</i>	<i>Minimum number of beds in In Patient Department on the 1:1 student – bed ratio</i>	<i>Minimum per day average number of patients in In Patient Department during last one calendar year (365 days) (40% bed occupancy)</i>	<i>Minimum per day average number of patients in Out Patient Department during last one calendar year (300 days) (1:2 student – patient ratio)</i>
<i>Upto 60 students</i>	<i>60 beds</i>	<i>24</i>	<i>120</i>
<i>61 to 100 students</i>	<i>100 beds</i>	<i>40</i>	<i>200</i>



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(3) Maintenance of record of attendance of Out-Patient Department and In-Patient Department patients: The College and hospital shall maintain the computerized central registration system for maintaining the records of patients in Out-Patient Department and In-Patient Department, and the college shall also maintain the Department wise Out-Patient Department and In-Patient Department records, laboratory and radiological investigation reports, medicines dispensing register, diet register for In-Patient Department patients, duty roster of hospital staff, birth and death certificates, etc., so as to substantiate the claim of genuine functional Siddha hospital, fulfilling the norms as specified in the sub-regulation (2).

(4) Space requirement: The hospital shall be suitably spacious to accommodate Out-Patient Department and In-Patient Department containing wards in addition to reception, patients' waiting area, dispensing room, dressing room, clinical laboratory, radiology section, side pharmacy, kitchen, service rooms, medical record-room, Karanool therapy section, operation theatre, labour room, store rooms, separate wards for male and female, duty rooms for Doctors, Nurses and other staff, etc., required for a fully functional hospital, and the specification of built-up area in the attached hospital shall be as per Schedule - I.

(5) Out-Patient Department : The hospital shall have minimum six following Out-Patient Departments, namely:-

- (a) Maruthuvam (Medicine);
- (b) Varmam, Puramaruthuvam and Sirappumaruthuvam (Varmam Therapy, External Therapy and Special Medicine);
- (c) Sool, Magalir Maruthuvam (Obstetrics and Gynaecology);
- (d) Aruvai, Thol Maruthuvam (Surgery and Dermatology);
- (e) Kuzhanthai Maruthuvam (Pediatrics); and
- (f) Avasara Maruthuvam (Casualty).

(6) In-Patient Department: The In-Patient Department of the hospital shall have separate male and female wards and distribution



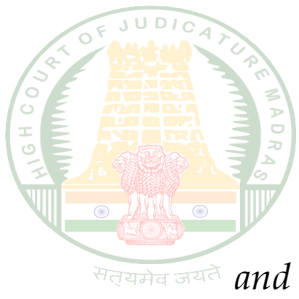
of beds shall be as under:-

S.No.	In-Patient Departments	Distribution	60 beds	100 beds
1	Maruthuvam (Medicine)	30% beds	18	20
2	Varmam Puramaruthuvam and Sirappumaruthuvam (Varmam Therapy, External Therapy and Special Medicine)	25% beds	15	25
3	Sool, Magalir Maruthuvam (Obstetrics and Gynaecology)	15% beds	9	15
4	Aruvai, Thol Maruthuvam (Surgery and Dermatology)	20% beds	12	20
5	Kuzhanthai Maruthuvam (Pediatrics)	10% beds	6	10

(7) Noi Naadal, Sattam Saarntha Maruthuvamum, Nanju Maruthuvamum Laboratories (Clinical Laboratory for clinical diagnosis and investigations):- There shall be a clinical laboratory in the hospital complex with proper infrastructure and manpower as specified in Schedule I, Schedule II, Schedule IV, Schedule V and Schedule VII for carrying out routine, pathological, biochemical and hematological investigations and Siddha diagnostic techniques on the patients referred from Out-Patient and In-Patient Departments of the hospital."

27.The other specific requirements, as required under the provisions of Section 13A of the Act, are extracted as under:-

"10. Phase wise specific requirements of new colleges:-
... .. (2) Before admission of the first batch of students, the college shall have -



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... (e) a properly furnished and well-equipped two lecture halls and teaching departments and laboratories and museums essential for the first professional year of teaching;

(f) a medicinal plants garden covering over two thousand and five hundred square meter of land and four thousand square meter of land for sixty years and sixty-one to one hundred seats respectively with plantation of at least one hundred species of medicinal plants;

... ..

(3) The college will be visited at least three months before the admission of the second batch of students and at that time, the college shall have -

... (c) a library with five thousand books, seating capacity of fifty persons for upto sixty admissions and eighty persons seating capacity for sixty one to hundred admissions and adequate staff.

(d) a properly furnished and well-equipped three lecture halls and teaching departments, laboratories and museums, essential for first and second professional years of teaching;

(e) one hundred and fifty species of medicinal plants in medicinal plants garden;

(f) fully developed buildings for college, teaching laboratories teaching pharmacy;

(g) there should be a fully developed hospital building with functional Siddha hospital having appropriate number of beds, bed occupancy and Out-Patient Department attendance corresponding to the annual students intake capacity specified in the sub-regulation (2) of regulation 7;

... (i) there shall be a Teaching Pharmacy and Quality Testing Laboratory attached to Department of Gunapaadam, with minimum area as specified in Schedule II and equipment as per Schedule VII, for preparation of medicine as per syllabus."

28.Even during the year 2012, the Central Council for Indian Medicine refused permission to the Government Siddha Medical



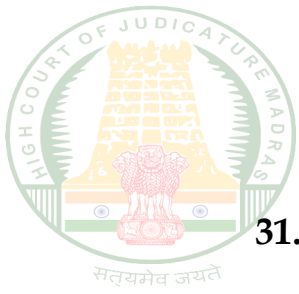
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College, Palayamkottai, on the ground of lack of infrastructure. The

Students approached the Principal Seat of this Court and by order dated 12.03.2012, this Court set aside the order of the Central Council of Indian Medicine and saved the institution.

29. Considering the fact that the existing building at Palayamkottai is not having the required space as per the regulations of the Indian Medicine Central Council (Minimum Standard Requirements of Siddha College and attached Hospitals) Regulations, 2013, this Court has passed the prohibition order dated 15.12.2020, since the expenditures, if any, made in the existing building may not serve the purpose.

30. Moreover, the Government themselves, in the writ petition in WP(MD)No.7582 of 2014, has admitted that the space available in the existing campus is very limited and that there is no scope for expansion and they cannot comply the norms laid down by the Central Council of Indian Medicine. They also pointed out that there is acute water crisis in the campus.



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31.When the Government has taken such a stand in the earlier writ petition, we are not able to understand as to why they are keen in spending more amount to the existing campus, which would not fulfill the requirements. The fact remains that the College at Palayamkottai was only a temporary shifting from Courtallam, at the inception and it was started functioning from an old maternity ward building constructed in the year 1936. To be noted, the Administrative Block of the College is also a heritage building and it could not be demolished.

32.Any further spending of money in the existing place would not serve the purpose for which the College was established. This System of Medicine emerged from the Western Ghats and the space originally identified at Courtallam has to be restored by utilizing the funds available for renovating the College. Decisions have to be taken in the interest of the Society at large, instead of the convenience of the Professors and Staff and therefore, we are not inclined to modify the earlier order dated 15.12.2020. The existing campus can be used as a Siddha Hospital and the College has to be established in the original



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place at Courtallam or at the place which was initially identified for

Siddha University at Chettikulam, which meets the present norm requirements and also have sufficient scope for future expansion as well.

Separate University:-

33. There are separate Universities for Ayurvedha in States like Gujarat, Rajasthan. However, till date, there is no separate University for Siddha in Tamil Nadu. The Government of Tamil Nadu has established a separate Department for Indian Medicine and Homeopathy in the year 1970. However, there is no proper research facility available and there is no research on Siddha medicine. Till date, Siddha medicine is functioning with the existing manuscripts written by the Siddhars.

34. Though the Siddha College at Palayamkottai is in existence from the year 1964, it has not achieved anything other than producing some graduates. Postgraduation of Siddha was introduced in the year 1983 and more than 3000 students have completed PG Siddha. Postgraduation includes research papers, however, not even a single



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publication is made from any of these post graduates. The fact remains

that even after 75 years of independence, we have not conducted any clinical trial and got recognized / approved in this system of medicine.

For want of adequate research, our system of Medicine is not getting required audience at the international level.

35.Of course, some research activities have been made on two medicines, namely, Nilavembu Kudineer and Kabasura Kudineer, in the Siddha system of medicines. However, these medicines are recognized based on the methods available from the manuscripts and there is no new invention in this system of medicine. The Colleges and University must have adequate infrastructure for the curriculum and research activities.

36.Even during the British period, the Indian System of Medicine, including Siddha, was recognized as a medicine in the Government Indian Medical School, which was established in the year 1924. Unfortunately, there is no proper patronage after independence. The first



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College for Siddha was established in the year 1956 at Courtallam on the

Western Ghats, realizing the importance of a college for Siddha only on such places like Courtrallam or Pothigaimalai. However, now the policy decision has been taken to establish the University near Chennai, in a 30 acres of land.

37. We feel that the projects are often taken to Chennai for the convenience of the Administrators, rather than the requirements of the projects. Siddha medicine is basically of herbs, which would be available in plenty in forests. Not only the College, the University also requires a proper infrastructure of sufficient land space with a garden of medicinal plants and sufficient space for research facilities. By providing proper infrastructure alone, the required object can be achieved.

38. Therefore, while lauding the Government for having initiated steps to bring-in a legislature, viz., Tamil Nadu Siddha Medical University Act, 2022, which is now said to be pending with the Hon'ble Governor for his assent, we request the Government to reconsider the



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decision of establishing the Siddha University near Chennai and shall

find a suitable place near the Western Ghats where this system actually blossomed and where it can reach its glory. The development of Indian System of Medicine would not only benefit the mankind, but also take the pride of this country to the entire world.

With the above observations, this miscellaneous petition stands dismissed.

[S.S.S.R.,J.] [B.P.,J.]
11.03.2024

Index : Yes / No
NCC : Yes / No
Internet : Yes
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S.S.SUNDAR, J.
and
B.PUGALENDHI, J.

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in
WP(MD)No.5149 of 2019

11.03.2024