

2021 SCC OnLine AP 1463

In the High Court of Andhra Pradesh at Amaravati
(BEFORE KONGARA VIJAYA LAKSHMI AND D. RAMESH, JJ.)

W.P. (PIL) No. 105 of 2021

Ponnekanti Mallikarjuna Rao ... Petitioner;

Versus

State of Andhra Pradesh, rep. by its Chief Secretary to
Government and Others ... Respondents.

With

W.P. (PIL) No. 106 of 2021

Madineni Uma Maheshwara Naidu ... Petitioner;

Versus

Union of India, Rep. by its Secretary, Ministry of Ayush and Others
... Respondents.

And

W.P. No. 10806 of 2021

Bonigi Anandaiah ... Petitioner;

Versus

State of Andhra Pradesh, Rep. by the Principal Secretary,
Department of Health and Family Welfare and Others ...
Respondents.

W.P. (PIL) Nos. 105, 106 & 10806 of 2021

Decided on May 31, 2021

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus under Article 226 of the Constitution of India, declaring the action of the State authorities from restraining Sri. B. Anandaiah, Resident of Krishnapatnam Village, Muthukur Mandal, Nellore District who has been providing traditional/country medicine for Corona Virus, i.e. 1) to prevent Corona Virus and 2) to cure patients including serious patients in pursuance of interference by the Hon' ble A.P. Lokayukta or Suo-Moto, as arbitrary, void and without jurisdiction, if not unconstitutional, violating Articles 14 and 21 of the Constitution of India, and issue consequential directions restraining the State authorities from interfering with regard to providing traditional/country medicine by Sri. B. Anandaiah, resident of Krishnapatnam Village, Muthukur Mandal, Nellore District, and direct the Respondents to forthwith allow Sri. B. Anandaiah to provide traditional/country medicine to Corona patients, without reference or pending investigation by providing sufficient infrastructure facilities including expenditure as well as maintaining law and order by appropriate police.

I.A. No. 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to forthwith allow Sri. B. Anandaiah, resident of Krishnapatnam Village, Muthukur Mandal, Nellore District, to provide traditional/country medicine to Corona patients without reference or pending investigation by providing sufficient infrastructure facilities including expenditure as well as maintaining law and order by

appropriate police, pending disposal of W.P. (PIL) No. 105 of 2021, on the file of the High Court.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri. P.V. Krishnaiah Advocate for the Petitioner, GP for General Administration for Respondent No. 1, GP for Medical & Health for Respondent Nos. 2, 4, 5, 7, 8 and of GP for Home for Respondent Nos. 3, 6 & 9.

Petition under Article 227 of the Constitution of India Praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ or order or direction more particularly in the nature of Writ of Mandamus challenging the action of the State Government in stopping the Distribution of Mr. Anandaiah Ayurvedic Covid-19 Medicine to the Covid-19 Patients and to the General Public at Krishnapatnam, Nellore District, AP. The action of the Respondents Authorities is illegal, arbitrary and against the Article 21 of the Constitution of India and consequently, direct the Respondents to (i) To direct the Central Government and the State Government to approve the Anandaiah Ayurvedic Covid-19 Medicine as Ayurvedic Medicine to treat the covid patients (ii) To direct the State Government to provide all the infrastructures like ingredients, space, men, etc., to Mr. Anandaiah for bulk manufacturing of the Ayurvedic Covid-19 Medicine for the purpose of free distribution of medicine to the general public and covid-19 patients (iii) To direct the State and Central Government to protect the rights of Anandaiah Ayurvedic Covid-19 Medicine as Indian Ayurvedic Covid-19 Medicine.

L.A. No. 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the State Government to start the distribution of Anandaiah Ayurvedic Covid-19 Medicine to the Covid-19 Patients and the General Public forthwith by providing all the infrastructures like ingredients, equipments, men, Police protection, etc. to enable smooth free distribution of Anandaiah Ayurvedic Covid-19 Medicine and pass, pending disposal of W.P. (PIL) No. 106 of 2021, on the file of the High Court.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri. Y. Balaji Advocate for the Petitioner, Sri. N. Harinath, Asst. Solicitor General for Respondent No. 1, Advocate General for Respondent No. 2, GP for Medical & Health for Respondent Nos. 3 & 4 and of GP for Home for Respondent No. 5.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, one more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in interfering and disturbing the activities and trade of the Petitioner in practicing Ayurvedic Medicine and in coercing/forcing/harassing the Petitioner herein to disclose the stipulated concoction (medical combination) of the ayurvedic/naturopathic medicine being prepared by the Petitioner to deal with. Covid-19, thereby denying the Fundamental Rights guaranteed to the Petitioner as being illegal, arbitrary and in violation of Article 19(1)(d) and (g), 21 and 301 of the Constitution of India, and consequently direct the Respondents not to interfere with the activities and trade of the Petitioner and also consequently direct the Respondents to consider granting adequate protection to the Petitioner to continue his Pro-bono services to the public.

L.A. NO. 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to interfere with the activities and trade of Petitioner in practicing traditional Ayurvedic Medicine and treating the Covid-19 patients and distribution of

medicine, pending disposal of WP 10806 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in the writ petition and upon hearing the arguments of Sri. N. Ashwani Kumar, Advocate for the Petitioner, GP for Medical & Health and Family Welfare for the Respondent Nos. 1, 5, 8, GP for Home for Respondent Nos. 2, 6 & 7, GP for Revenue for Respondent No. 3 and of GP for Panchayath Raj for Respondent No. 4.

COMMON ORDER

1. Today, when the matter came up for hearing, Sri. Sumon Ghinthala, learned Special Government Pleader, representing the office of the Advocate General, submitted that Mr. Anandaiah, Ayurvedic Practitioner, is administering five types of ayurvedic preparations, which are known as 'P, F, L, K and eye drops' and the samples of 'P, F and L' were sent for analysis and they were found to be satisfactory and hence, the State Government do not have any objection for administering the said ayurvedic preparations to the needy people. So far as the ayurvedic preparation 'K' is concerned, the sample could not be drawn and analyzed, as the said ayurvedic preparation was not readily available with Mr. Ananaiah. He further submitted that the said sample with regard to 'K' would be drawn as and when it is available with Mr. Anandaiah and would be sent for analysis and report would be submitted with regard to the said sample by 03.06.2021. So far as the eye drops are concerned, learned Special Government Pleader submitted that the eye drops needs further analysis which will take about two weeks time. So far as the eye drops are concerned, as the analysis test is taking considerable time, this court asked the learned Special Government Pleader to suggest any measures that have to be followed while preparing and administering the said eye drops to make it safe for administration, for which the learned Special Government Pleader readily accepted to come back with suggestions by 03.06.2021 with regard to eye drops.

2. Sri. N. Aswin Kumar, learned counsel submitted that the sample so far as 'K' is concerned will be made available for examination as soon as possible preferably by today night. Learned Special Government Pleader further stated that the Superintendent of Police and the District Collector of SPSR Nellore District were asked to ensure that the Covid guidelines are followed by the people who gather to take ayurvedic preparations made by Mr. Anandaiah. He also suggests that instead of patients directly coming to Mr. Anandaiah, anybody on their behalf may come to collect the medicine to avoid spreading of Covid. Anandaiah and District Administration are directed to discuss with regard to maintenance of Covid protocols and smooth administration of the medicine.

3. In view of the facts and circumstances and in view of the categorical statement made by the learned Special Government Pleader, Mr. Anandaiah, Ayurvedic Practitioner, is permitted to administer his ayurvedic preparations so far as 'P, F and L' are concerned to the needy people forthwith and the respondents are directed not to interfere with the said activity and to ensure that covid guidelines are followed.

4. List the matter on 03.06.2021 for analysis report so far as ayurvedic preparation 'K' is concerned and also suggestions with regard to eye drops.