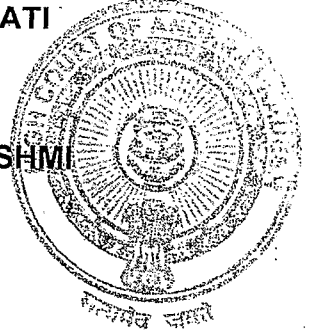


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI
AND
THE HONOURABLE SRI JUSTICE D. RAMESH



WP (PIL) NOs.105, 106, 109 OF 2021 & 10806 OF 2021

WP (PIL) NO.105 of 2021

Between:

Ponnekanti Mallikarjuna Rao, S/o. Haribabu.

AND

1. State of Andhra Pradesh, rep. by its Chief Secretary to Government, Secretariat Bldg., Amaravathi, Guntur Dist.
2. State of Andhra Pradesh, rep. by its Special Chief Secretary to Government, Medical and Health Dept., Secretariat Bldg., Amaravathi, Guntur District.
3. State of Andhra Pradesh, rep. by its Secretary to Government, Home Dept., Secretariat Bldg., Amaravathi, Guntur Dist.
4. Director, Ayush Department, State of Andhra Pradesh Gollapudi, Vijayawada, Krishna Dist.
5. Director, Medical and Health Dept., State of Andhra Pradesh, Gollapudi, Vijayawada, Krishna Dist.
6. Director General of Police, State of Andhra Pradesh, Mangalagiri, Guntur Dist.
7. Honble Institution of Lokayukta of Andhra Pradesh,, rep. by its Registrar, Hyderabad 500 004.
8. District Collector, SPSR Nellore District Nellore.
9. Superintendent of Police, SPSR Nellore District, Nellore.
10. Sri. B. Anandaiah,, Traditional Medical Practitioner for Corona Virus Krishnapatnam Village, Muthukur Mandal, Nellore Dist.

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 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.

IA 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 WP(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 order of the High Court dated 27-05-2021 made 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.

WP (PIL) NO.106 of 2021

Between:

Madineni Uma Maheshwara Naidu, S/o. Madineni Chinnaparvathaiah,

AND

1. The Union of India, Rep. by its Secretary, Ministry of Ayush, Ayush Bhawan, GPO Complex, INA, New Delhi - 110 023.
2. The State Of Andhra Pradesh, Rep. by its Chief Secretary, Government of Andhra Pradesh, Amaravathi.
3. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Department of Health and Family Welfare, Secretariat Buildings, Velagapudi, Amaravathi.
4. The District Collector, Nellore District, Nellore, A.P.
5. The Superintendent of Police, Nellore District, Nellore, A.P.
6. Mr.B.Anandaiah, S/o. Not known, Aged about 50 Yrs, Occ. Ayurvedic Doctor, R/o. Krishnapatnam, Nellore District, Nellore, A.P.

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.

IA 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 WP(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 order of the High Court dated 27-05-2021 made 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.

WP (PIL) NO.109 of 2021

Between:

Dr. A.M. Krishna, s/o Late A. Rama Chandra Naidu Aged about 63 yrs, Occupation Advocate Supreme Court 19-4-4C2, KRR Colony, Old D.R.Mahal Road, Tirupati, Chittoor District, District. A.P, Pin 517501 Mobile No. 9000800157 Aadhar No. 713358985786

AND

1. The Government of Andhra Pradesh, Represented by its Chief Secretary Secretariat, Velagapudi Guntur District, Andhra Pradesh
2. The Government of Andhra Pradesh, Ministry of Health and Social Welfare Represented by its Principal Secretary Guntur District, Andhra Pradesh
3. The Commissioner,, AYUSH Ministry of Health Government of Andhra Pradesh Gollapalli, Vijayawada, Andhra Pradesh
4. The District Collector, SPSR Nellore Andhra Pradesh
5. The Central Council for Ayurveda Research and Research, Represented by its Director Road No.66, Punjabibagh (West) New Delhi-110026
6. Sri Kakani Govardhan Reddy, s/o Sri K Ramana Reddy M.L.A, Sarvey Palle Constituency SPSR Nellore District, Andhra Pradesh
7. Bodge Anandiah, S/O Molakiah Krishna Patnam village Muthakur Mandal SPSR Nellore District Andhra Pradesh

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 Writ of Mandamus to direct the Respondents 1 to 4 to allow preparation of herbal medicine by respondent No.7 and distribute the same to Covid-19 patients by treating the medicine prepared by him as traditional medicine.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the WP (PIL) the High Court may be pleased to direct the Respondents 1 to 4 permit Respondent No.7 to disburse Ayurvedic medicine to Covid-19 patients for protecting their lives with immediate effect as the Respondent No.3 already concluded in his report that there is no harm cause by consuming such medicine by Covid -19 patients, pending disposal of WP(PIL) 109 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of DR. A M. Krishna, Advocate for the Petitioner, GP for General Administration for the Respondent No.1, GP for Social Welfare for Respondent No.2, GP for Medical & Health for Respondent No.3 and of GP for Revenue for Respondent No.4..

WP NO.10806 of 2021

Between:

Bonigi Anandaiah, S/o Molakaiah,

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Department of Health and Family Welfare, Secretariat Buildings, Amaravathi.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh.
3. The District Collector, of SPSR Nellore District, Achari Street, VRC Centre, Nellore Town, SPSR Nellore, Andhra Pradesh 524001.
4. District Panchayat Officer, Podalakur Road, Dargamitta, Nellore, Andhra Pradesh 524003.
5. District Medical and Health Officer, Rajendra Nagar, Kapatipalem, Santhapet, Nellore, Andhra Pradesh 524001.
6. Superintendent of Police, Santhi Nagar, Batwadipalem, Nellore, Andhra Pradesh 524003.
7. Deputy Superintendent of Police, Santhi Nagar, Batwadipalem, Nellore, Andhra Pradesh 524003.
8. The Commissionerate of Ayush Department,, Rep by its Commissioner, Office at 22-19, 4th Floor, Jasthi Towers, Saipuram Colony, Gollapudi, Vijayawada- 521225.

Respondents

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.

IA 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 order of the High Court dated 27-05-2021 made herein 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.

The Court made the following: COMMON ORDER

The matters were directed to be listed today for producing analysis report so far as Ayurvedic preparation namely 'K' is concerned and also with regard to suggestions on the eye drops.

Learned Government Pleader Mr. Suman filed a copy of recommendations of the experts panel committee on Anandaiah's eye drops and Ayurvedic preparation namely 'K'.

The members of the said experts panel committee are; Dr. K. Sreehari, Rasa Shastra Expert, Associate Professor, Dr. NRS Government Ayurvedic College, Vijayawada, Dr. G. Praveen Kumar, Junior Scientific Officer, Drugs Control Laboratory, Vijayawada, Dr. M.L. Naidu, MD (Dy.), renowned Ayurvedic Physician, Vijayawada and Dr. P.V.N.R. Prasad, Licensing Authority (ASU), AYUSH Department, AP.

As seen from the said experts panel committee report, the ayurvedic preparation sample namely 'K' was collected from Mr. Anandaiah on 01.06.2021 and the same was sent for testing in Government approved Laboratory in Hyderabad for the following tests and report.

1. Physico-Chemical Characters
2. Thin Layer Chromatography
3. Test for Heavy Metals
4. Pesticide Residue
5. Aflatoxins Levels
6. Microbial Limit test
7. Specific Pathogen Test

8. Assay for Microbial Contamination.

As per the preliminary report, the product "K" is meeting the quality parameters intended for human consumption and the reports with regard to safety aspects of preparation 'K' will be furnished on 11.06.2021.

So far as eye drops are concerned, it is stated that efforts were made to ascertain the quality and safety of the eye drops and the samples were sent to the Government approved Laboratory for quality and safety related tests such as; (a) Clarity test, (b) pH, (c) Thin Layer Chromatography, (d) total aerobic bacterial count, (e) Yeast and Moulds, (f) sterility tests, (g) microbiology test and the lab authorities have furnished reports with regard to parameters a, b, c, d, e and part of g and the reports indicate that the quality parameters were satisfactory. They have further stated that the sterility test could not be conducted due to the preparatory conditions, packaging, transportation and thick consistency of the sample and they have approached other AYUSH approved laboratories and they have stated that at least 1 to 3 months time is required to conduct the prescribed tests and that the reports do not indicate that the product is sterile and in the absence of the said report, the experts committee is not in a position to recommend the usage of eye drops. However, the committee suggested the following measures while preparing and administering the eye drops to make it safe for administration.

Suggested modifications with regard to preparation method:

S.No.	Present Process	Modification suggested
1.	Raw drugs are collected out of experience	Identity, authenticity of the raw-drugs should be established as per pharmacopoeial standards
2.	Genuineness of raw drug is not ascertained	Quality, purity of raw-drugs should be ascertained as per pharmacopoeial standards
3.	Cleaning of raw drugs is not carried out as per GMP norms.	Thorough cleaning of raw drugs is recommended as per GMP norms
4.	Preparation is carried out in open air and the whole process is exposed to dust	It should be carried out in closed surroundings under uniform room temperature and atmospheric pressure
5.	There is no qualified person to supervise the technicality of the activity	The activity should be carried out under the technical supervision of a qualified person as per Rule 157 (2 & 3) of D&C Rules, 1945
6.	Crushing of the drugs is done on the floor and pounding with available stones	Should have prescribed instruments and equipments as specified in Part-II of GMP
7.	Straining of the juice is being done through available cloth piece	The operating procedures should be in compliance with GMP norms
8.	Prepared medicine is kept in an available broad mouthed and uncovered vessel	The storage procedures should be in compliance with good storage practices

Suggested modifications with regard to distribution:

S.No.	Present Process	Modification suggested
1.	In the present case, the medicine is prepared and kept in metallic utensils and vessels	Container should be of neutral/soda glass/plastic but compatible
2.	Droppers of varying standards are used in the present case.	Droppers should be of neutral glass or suitable plastic.

Learned Government Pleader, basing on the recommendation of the said experts committee report, submits that the Government has got an objection with regard to administration of eye drops as the report do not indicate that the product is sterile.

In view of the facts and circumstances, the State Government is directed to send eye drops sample prepared by Mr. Anandaiah for sterility test and see that the report is obtained as expeditiously as possible, preferably within a period of two weeks from 07.06.2021.

As the experts panel committee stated that the product 'K' is meeting the quality parameters intended for human consumption, the respondents are directed not to obstruct Mr. Anandaiah from administering the said Ayurvedic preparation 'K' to the needy people.

List the matter on 21.06.2021.

//TRUE COPY//

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
Ramesh
SECTION OFFICER

To

1. The Chief Secretary, State of Andhra Pradesh, Secretariat Bldg., Amaravathi, Guntur District
2. The Special Chief Secretary, Medical and Health Dept., State of Andhra Pradesh, Secretariat Bldg., Amaravathi, Guntur District.
3. The Secretary, Home Dept., State of Andhra Pradesh, Secretariat Bldg., Amaravathi, Guntur District
4. The Director, Ayush Department, State of Andhra Pradesh Gollapudi, Vijayawada, Krishna District
5. The Director, Medical and Health Dept., State of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
6. The Director General of Police, State of Andhra Pradesh, Mangalagiri, Guntur District
7. The Registrar, Honble Institution of Lokayukta of Andhra Pradesh, Hyderabad 500 004.
8. The District Collector, SPSR Nellore District Nellore.
9. The Superintendent of Police, SPSR Nellore District, Nellore.
10. Sri. B. Anandaih, Traditional Medical Practitioner for Corona Virus Krishnapatnam Village, Muthukur Mandal, Nellore District.
11. The Union of India, Rep. by its Secretary, Ministry of Ayush, Ayush Bhawan, GPO Complex, INA, New Delhi - 110 023.
12. The District Medical and Health Officer, Rajendra Nagar, Kapatipalem, Santhapet, Nellore, Andhra Pradesh 524001.

13. The Superintendent of Police, Santhi Nagar, Batwadipalem, Nellore, Andhra Pradesh 524003.
14. The Deputy Superintendent of Police, Santhi Nagar, Batwadipalem, Nellore, Andhra Pradesh 524003.
15. The Commissioner, Commissionerate of Ayush Department, Office at 22-19, 4th Floor, Jasthi Towers, Saipuram Colony, Gollapudi, Vijayawada- 521225.
16. The District Panchayat Officer, Podalakuru Road, Dargamitta, Nellore (A.P)
17. The Director, Central Council for Ayurveda Research and Research, Road No.66, Punjabhibagh (West) New Delhi-110026
18. Sri Kakani Govardhan Reddy, s/o Sri K Ramana Reddy M.L.A, Sarvey Palle Constancy SPSR Nellore District, Andhra Pradesh
(1 to 18 by RPAD)
19. One CC to Sri P. V. Krishnaiah, Advocate [OPUC]
20. One CC to Sri Y. Balaji, Advocate (OPUC)
21. One CC to DR. A M. Krishna, Advocate (OPUC)
22. One CC to Sri N. Ashwani Kumar, Advocate (OPUC)
23. Two CCs to GP for General Administration ,High Court of Andhra Pradesh.
[OUT]
24. Two CCs to GP for Medical & Health ,High Court of Andhra Pradesh at Amaravathi [OUT]
25. Two CCs to GP for Home, High Court of Andhra Pradesh at Amaravathi [OUT]
26. Two CC to GP for Revenue, High Court of A.P at Amaravathi (OUT)
27. One CC to Advocate General, High Court of A.P at Amaravathi (OUT)
28. One spare copy

Tvr

HIGH COURT

KVLJ & DRJ

DATED:03.06.2021

NOTICE BEFORE ADMISSION

WP (PIL) NOs.105, 106 109 & 10806 OF 2021

DIRECTION

