

ITEM NO.42

COURT NO.13

SECTION IV-A

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

Petition for Special Leave to Appeal (C) Nos.1613-1616/2023

[Arising out of impugned final judgment and order dated 29-03-2022 in WA No. 148/2021 29-03-2022 in WA No. 149/2021 29-03-2022 in WA No. 159/2021 29-03-2022 in WA No. 163/2021 passed by the High Court of Karnataka at Bengaluru]

UMESH P.G. ETC. ETC.

Petitioner(s)

VERSUS

**CENTRAL COUNCIL OF INDIAN MEDICINE
AND ORS. ETC. ETC.**

Respondent(s)

Date : 28-03-2025 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN**

**For Petitioner(s) :Mr. Rajesh Mahale, Sr. Adv.
Mr. Shanthkumar V.Mahale, Sr. Adv.
Mr. Parikshith Maliye, Adv.
Mr. Madhvendra Singh, Adv.
Mr. Harisha S.R., AOR**

**For Respondent(s) :Mr. Avishkar Singhvi, A.A.G.
Mr. V. N. Raghupathy, AOR
Mr. Vivek Kumar Singh, Adv.
Mr. Naved Ahmed, Adv.
Ms. Divya Prabha Singh, Adv.
Ms. Sakshi Raman, Adv.**

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

**1. These petitions arise from the judgment and order passed by
the High Court of Karnataka dated 29th March, 2022 in Writ Appeal**

SLP(C)Nos.1613-1616/2023

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No. 148 of 2021 and allied appeals by which the writ appeals filed by the petitioners herein came to be dismissed thereby affirming the judgment and order passed by the learned Single Judge upholding the legality and validity of the notification, in question.

2. We heard Mr. Rajesh Mahale, the learned counsel appearing for the petitioners and Mr. Avishkar Singhvi, the learned counsel appearing for the respondent nos. 2 and 3 respectively. The High Court in para 37 of its impugned judgment has observed thus:-

"37. Section 17[4] of the Karnataka Ayurvedic Naturopathy Act, 1961 provides an appeal remedy against the order of the Board to the State Government. In the background of the genuineness of the certificates issued by the Parishad being disputed by the Board as fake/fabricated, these disputed questions of facts would have been agitated before the Appellate Authority. Hence, learned Single Judge having upheld the validity of the notification reserved liberty to the appellants to prefer appeal/s before the Appellate Authority under Section 17[4] of the Act, 1961 within a period of six weeks from the date of receipt of the order further observing that if such appeal is preferred by the appellants, the time spent in the litigation before the Writ Court would be considered for the purpose of condonation of delay in presenting the memorandum of appeal. However, the appellants without availing the said alternative remedy had approached this Court."

3. Having observed in para 37 as aforesaid, the High Court proceeded to observe in para 38 as under:-

"38. Hence, we are of the considered view that it would be appropriate to relegate the parties to the Appellate Authority on this point. However, it is observed that if such appeals are filed within a period of six weeks from the date of the receipt of the certified copy of this order, the

Appellate Authority shall consider the same on merits without objecting to the period of limitation."

4. We are of the view that we should not interfere with the impugned judgment and order passed by the High Court. It shall be open for the petitioners to go before the Appellate Authority under section 17(4) of Karnataka Ayurvedic Naturopathy Act, 1961 (for short, "the Act, 1961").

5. We grant two weeks' time for the petitioners to prefer appropriate appeal under Section 17(4) of the 1961 Act.

6. If any such is filed, the Appellate Authority shall look into the same and decide it on its own merits bearing in mind the observations made by the High Court in para 37 referred to above.

7. In the event, if the appeal fails, it shall be open for the petitioners to challenge the order that may be passed by the Appellate Authority before the Appropriate Forum in accordance with law. In so far as, the legality and validity of the notification is concerned, we are informed that the same is pending for consideration of the Supreme Court. The appeal under Section 17(4) of the 1961 Act shall be on the grounds other than the issue of legality and validity of the notification in question. If the appeal that may be filed under Section 17(4) of the 1961 Act fails, then the issue of notification may pale into insignificance. It is only in the event if the appeal is allowed on other issues that the

petitioners will have to wait for the outcome of the decision of this Court so far as the legality and validity of the notification is concerned.

8. The Special Leave Petitions are disposed of accordingly.

9. Pending application(s), if any, stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)