

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 463 OF 2001

BETWEEN: DR. KANTAMNENI VIVEKANAND

PLAINTIFF

AND: THE HEALTH PRACTITIONERS' BOARD

FIRST DEFENDANT

AND: THE MINISTER FOR HEALTH AND
INFORMATION TECHNOLOGY

SECOND DEFENDANT

AND: THE ATTORNEY GENERAL FOR
THE CAYMAN ISLANDS

THIRD DEFENDANT

 EX PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW  AUG 02 2001

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	Dr. Kantammeni Vivekanand
Name, address and description of applicant	Medical Practitioner C/o P.O. Box 2093, George Town, Smith Road Plaza, Grand Cayman
Judgment, order, decision of other proceeding in respect of which relief is sought	(a) A decision of the Health Practitioners' Board not to answer, or to avoid answering, the specific questions addressed to it in a letter dated the 11 th June 2001 from the Plaintiff's attorneys. (b) As against the Second Defendant in relation to the various statements made by him widely reported in the media which challenge the validity of the Plaintiff's registration by the Health Practitioners' Board to practise as a medical practitioner in the Cayman Islands
1. An order for <i>Certiorari</i> to remove into this Honourable Court and quash the decision of the Health Practitioners' Board whereby it decided not to answer or to avoid answering the specific questions asked in the letter dated 11 th June 2001 which was addressed to the Chairman of the Board by the Plaintiff's attorneys at law, Quin & Hampson. 2. A declaration that the said Dr. Kantammeni Vivekanand is currently legally and properly registered as a medical practitioner in the Cayman Islands pursuant to the Health Practitioners' Law (1995 Revision).	<u>Relief Sought</u>

3. An order for *Mandamus* directed to the Health Practitioners' Board requiring them to reconsider the said letter of 11th June 2001 and to make specific replies to the questions asked therein by and on behalf of the Plaintiff.
4. An injunction restraining the Second Defendant from making any further pronouncements to the effect that the registration of the Plaintiff by the Health Practitioners' Board is not valid or in any way calling in question the validity of such registration.
5. Costs

Name and address of Applicant's attorneys, or if no attorneys acting, the address for service of the applicant	Quin & Hampson 3 rd Floor, Harbour Centre, P.O. Box 1348 George Town, Grand Cayman
Signed <u>Quin & Hampson</u> Quin & Hampson	Dated <u>2. Aug. 01</u>

GROUNDNS OF WHICH RELIEF IS SOUGHT

The factual background to this Application for Leave to Apply for Judicial Review is contained in the affidavit of the said Dr. Kantamneni Vivekanand filed herein and in support of it this affidavit will be relied upon. This affidavit will also be relied upon in support of the applications on the following grounds:-

1. The First Defendant's decision either not to reply to the letter from the Plaintiff's attorneys dated 11th June 2001 or to avoid answering any of the said questions is irrational and unreasonable.
2. The challenges to the validity of the said registration and the indications that such registration is not proper and effective which have been made by the Minister are unreasonable and unjustified as the Plaintiff's said registration is not tainted by any illegality.
3. This is a case where it would be just and convenient for this Honourable Court to grant the declaration and the injunction prayed for herein in addition to making the other orders of *Certiorari* and *Mandamus*.

NOTE: Pursuant to Order 53 Rule 3(3) and in view of the tremendous adverse consequences for the applicant and of the great importance of this matter to the applicant an oral hearing from Leading Counsel for the applicant is requested before the Application for Leave is considered and determined by this Honourable Court.