

GAHC010138422024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2122/2024
In WP(C)/1402, 2024

DR. DHRUBA JYOTI CHETIA
SON OF SHRI CHITRADHAR CHETIA, RESIDENT OF QUARTER NO. TYPE
VI/AI, LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH, KALIBARI, TEZPUR, P.O. AND P.S. TEZPUR, PIN- 784001,
DISTRICT- SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
DELHI- 110011

2:THE CHAIRMAN
EXECUTIVE COUNCIL
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
REPRESENTED BY THE SECRETARY
HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA
NIRMAN BHAVAN
NEW DELHI- 110011

3:THE LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH
REPRESENTED BY ITS DIRECTOR
TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN- 784001

4:SRI S.K. DEURI
DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR ASSAM
PIN- 784001

5:DR. H. DUTTA
ASSOCIATE PROFESSOR (ADDICTION MEDICINE)
OFFICER ON SPECIAL DUTY (OSD) -CUM- I/C DEPUTY DIRECTOR -CUM-
CHIEF FINANCE AND ACCOUNTS OFFICER ETC.
DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR ASSAM
PIN- 78400

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate)

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

22.07.2024

Heard Shri K.K. Phukan, learned counsel for the applicant, who by means of this application has prayed for the following relief.

“It is therefore, most respectfully prayed that your Lordships may be pleased to admit the application, issue notice and after hearing the parties Your Lordships may be pleased to stay the operation of the impugned order (Annexure XVI to the WP(C) No. 1402/2024) and all subsequent orders/ letters / notices, and / or to specify / modify etc the order dated 13.03.2024 passed in WP(C) No. 1402/2024 and /

or to pass such order / orders or directions etc as your Lordships may deem fit and proper.”

It is submitted that though there is an interim order passed in the writ petition on 13.03.2024 not to take any coercive action, the petitioner has been forced to submit certain reports without providing him the documents which he had asked for.

Shri A.K. Dutta, the learned Standing Counsel for GBRIMH has however submitted that the reports are being sought for only to cause a review by the authorities and does not amount to any coercive action.

This Court is of the considered opinion that the petitioner is already protected by the aforesaid order dated 13.03.2024 whereby there is a direction that no coercive action be issued against the petitioner. Directing him to submit report cannot be termed to be coercive action.

In any case, before taking a final decision, the respondents either have to take a leave from this Court or some orders is required to be passed in the writ petition in absence of which no final orders can be passed.

This I.A. is held to be pre-matured and without any cause of action and accordingly dismissed.

JUDGE

Comparing Assistant