

GAHC020002312021



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

Case No. : PIL/4/2021

MR.TSIPONGSE THONGER
PRESENT RESIDENT OF MIDDLE P.W.D, KOHIMA DISTRICT - 797001,
NAGALAND

VERSUS

THE STATE OF NAGALAND AND ANR
REPRESENTED BY THE CHIEF SECRETARY, CIVIL SECRETARIAT, KOHIMA -
797004, NAGALAND2:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HEALTH AND FAMILY WELFARE
CIVIL SECRETARIAT
KOHIMA
NAGALAN

Advocate for the Petitioner : NEITEO KOZA

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

24.07.2024
(K. Sema, J)

Heard Ms. Neiteo Koza, learned counsel for the petitioner and
Mr. N. Mozhui, learned counsel for respondent No. 2. Mr. Moa

Imchen, learned Senior Government Advocate appears for respondent No. 1.

The present writ petition in the form of PIL was filed with the following prayers:-

- a. To consider this writ petition as a representation and admit the same in the interest of public;
- b. To issue a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) thereby directing the respondents to immediately constitute/establish State Mental Health Authority as mandated by the Mental Healthcare Act, 2017;
- c. To constitute Mental Health Review Boards as per the mandates given by the State Mental Healthcare Act, 2017 with immediate effect; and
- d. Any other appropriate Order(s) as this Hon'ble Court deem fit and proper in the interest of justice.

Today, when the matter is listed, Mr. N. Mozhui, learned counsel for the respondent No. 2 has taken this Court to the Notification dated 19.09.2022, issued by the Government of Nagaland, Health & Family Welfare Department, Kohima, Nagaland, constituting the Mental Health Review Boards (MHRBs) at Kohima and Tuensang respectively. Mr. N. Mozhui has also placed a copy of the Letter dated 27.06.2024, written by the Additional Secretary to the Government of Nagaland, in Health & Family Welfare Department, to the Senior Government Advocate, Gauhati High Court Kohima Bench, in which it has been conveyed that the Department has already constituted 2 (two) Mental Health Review Boards in the State, namely, the MHRB Kohima, with jurisdiction

over Chumukedima, Dimapur, Kohima, Niuland, Peren, Phek, Tseminyu and Wokha and the MHRB Tuensang with jurisdiction over Kiphire, Longleng, Mokokchung, Mon, Noklak, Shamator, Tuensang and Zunheboto. A copy of the Nagaland Gazette dated 30.03.2024 has also been placed before this Court in which the Nagaland State Mental Health Rules, 2023 is notified.

Mr. N. Mozhui submits that in view of the Notification dated 19.09.2022, the Letter dated 27.06.2024 and the publication of the Rules in the Official Gazette, the relief sought for in the present PIL has been answered.

Ms. Neiteo Koza, learned counsel for the petitioner is in agreement with the submission made by the learned counsel for the respondent No. 2, and accordingly submits that, the present PIL may be closed.

In view of the submissions made by the learned counsel for the parties and considering that the relief sought for in the present PIL has been addressed to, by the State respondents, the petition (PIL) stands disposed.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant