

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 28807 of 2026

Dr. U. Shoban Kumar M.B.B.S
S/o Late. ulagarakishagan,
No 227, A H Block,
2nd street, Anna Nagar,
Chennai 600 040

..Petitioner(s)

Vs

1. The Chairperson
District Mental Health Authority
Institute of Mental health Campus,
Medavakkam Tank Road,
kilpauk chennai 600 010
2. The Regional Divisional officer
The Office of Revenue Department,
Anna Salai, Guindy,
Chennai 600 032
3. U. Parthan,
S/o Late. Ulagarakshagan,

New No 5/63 Anusuya Street,
Rengarajapuram, Kodambakkam,
Chennai 600 024

..Respondent(s)



Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the 1st respondent to consider and dispose of the representation dated 09.02.2026 a time frame to be fixed by this Court and other appropriate directions may be issued to ensure protection of petitioner mothers dignity, health, and welfare.

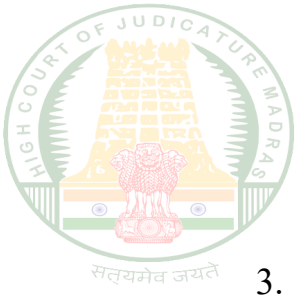
For Petitioner: M/S.S.Mythreye Chandru

For Respondents: Mr.P.Valliappan , Senior Counsel
For M/s. P.V Law Associates –R3
Mr.P.Siddarth, Govt. Counsel – R2

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent to consider and dispose of his representation dated 09.02.2026.

2. The petitioner states that his mother is a senior citizen suffering from mental illness and has been undergoing psychiatric treatment under Dr. Lakshmi Vijayakumar for more than ten years. According to the petitioner, his mother experiences lucid intervals during which she is able to understand, communicate, and clearly express his wishes. It is further stated that Dr. Lakshmi Vijayakumar is willing and capable of continuing to provide psychiatric care and supervision to his mother.

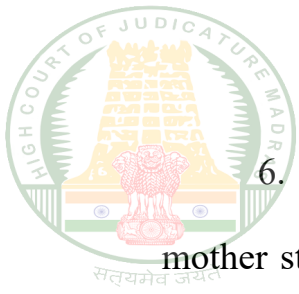


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3. The grievance of the petitioner is that his elder brother, the third respondent, is misusing the diagnosis of schizophrenia to restrict their mother's movements, prevent him from communicating with others, stop him from staying even temporarily with the petitioner, and isolate her from other family members. According to the petitioner, such conduct amounts to abuse, neglect, and a violation of the rights guaranteed under Sections 18, 20, and 81 of the Mental Healthcare Act, 2017, including his mother's right to live with dignity.

4. The petitioner further states that his mother is also suffering from postmenopausal osteoporosis, due to which her bones and muscles have become extremely weak. She is bedridden for most of the time and requires constant physical assistance and support. In these circumstances, the petitioner seeks a direction to the respondent authorities to arrange an independent psychiatric assessment of his mother's present decision-making capacity and to determine the most suitable caregiver and place of residence in his best interests.

5. When the matter was taken up yesterday, this Court directed the learned counsel appearing for the third respondent to produce the senior citizen mother before the Court. Accordingly, she was present before this Court at 10.30 a.m. Today, at the request of the learned counsel for the petitioner, the matter was taken up at 2.15 p.m.



6. On being questioned by the learned State Counsel, the senior citizen mother stated that she was being properly cared for by her elder son, the third respondent, and that she wished to continue residing with him. She also stated that she was receiving treatment from the same doctor and desired to continue the same.

7. The petitioner had earlier approached this Court in W.P. No. 8658 of 2024 seeking a direction to hand over the custody of his mother from the third respondent. By order dated 07.11.2025, this Court disposed of the writ petition after noting that the respondent authorities had already conducted an enquiry on the petitioner's representation dated 16.11.2023. During that enquiry, the petitioner's mother had clearly expressed her willingness to stay with her elder son. The authorities had also informed the petitioner that he was free to visit his mother at the third respondent's residence.

8. It is not in dispute that, in the earlier writ petition, the petitioner had not alleged that the third respondent was neglecting his mother or failing to provide her with proper medical treatment. The request for an independent psychiatric assessment has been made only after the disposal of the earlier writ petition by way of the present representation.

9. This Court cannot compel a senior citizen to reside with the petitioner when she has categorically stated before this Court that she is being properly looked after by her elder son and that she wishes to continue living with him and



receiving treatment from the same doctor. The writ petition appears to be motivated by an inter-se family dispute rather than any genuine legal grievance warranting interference under Article 226 of the Constitution.

11. In view of the above, and in the absence of any statutory right in favour of the petitioner or any corresponding statutory duty cast upon the respondent authorities, this writ petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

28-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Chairperson
District Mental Health Authority
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kilpauk chennai 600 010
2. The Regional Divisional officer
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HEMANT CHANDANGOUDAR, J.

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