

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

W.P.(C).No.17376 of 2015 (V)

PETITIONER(S):-

ARUN K.V., AGED 38 YEARS, S/O.PADMANABHAN,
KALLAYANINIVAS, MANANTHERI AMSOM,
CHETTERIPARAMB, CHUNDAYIL NEAR, ALORAMADAPPURA,
PANOOR, KANNUR DISTRICT.

BY ADV. SRI.B.RAMACHANDRAN.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY SECRETARY,DEPARTMENT OF HEALTH,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE SECRETARY,
MINISTRY OF HOME, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM-695001.
3. THE SUPERINTENDENT,
MENTAL HEALTH CENTRE, KOZHIKODE-673016.
4. THE DISTRICT COLLECTOR, KANNUR-670002.

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.P.FAZIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.17376 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT-P1: A TRUE COPY OF JUDGMENT DATED 14/05/2008 IN
SC.NO.152/2007 OF THE SESSIONS COURT, THALASSERRY.

EXHIBIT-P2: A TRUE COPY OF C.M.P.NO.1136/2009 ALONG WITH ORDER
PASSED THEREON DATED 16/10/2009.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.17376 of 2015

Dated this the 16th day of June, 2015

JUDGMENT

The petitioner is the brother of one K.V.Sreenivasan, who is mentally challenged and is under the care of the Mental Health Centre, the Superintendent of which is the 3rd respondent. The petitioner seeks that he may be permitted to provide food to the said K.V.Sreenivasan, as has been permitted by the Chief Judicial Magistrate, Thalassery, from 2009 onwards, by order evidenced at Exhibit P2 passed on 16.10.2009.

2. The learned Senior Government Pleader, on instruction from the 3rd respondent, would submit that the 3rd respondent had discontinued the said practise only on an apprehension that the food served from outside, if leading to any untoward incident, then the Superintendent would be held responsible.

3. However, this Court cannot shut its eye to the *bona fide* feelings of the petitioner, who is the brother of the mentally challenged person, to at least provide good food to that

person. In such circumstance, the Superintendent shall maintain a register to evidence the presence of the petitioner and the petitioner shall be permitted to provide food, twice; once in the morning and in the afternoon, to the said K.V.Sreenivasan; after entering his presence in the register maintained with the Superintendent.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]