

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Writ Petition No.14755 of 2017

DATED:12-07-2017

Between:

B. Amrutha

... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Home Department
Secretariat Buildings
Hyderabad
and others

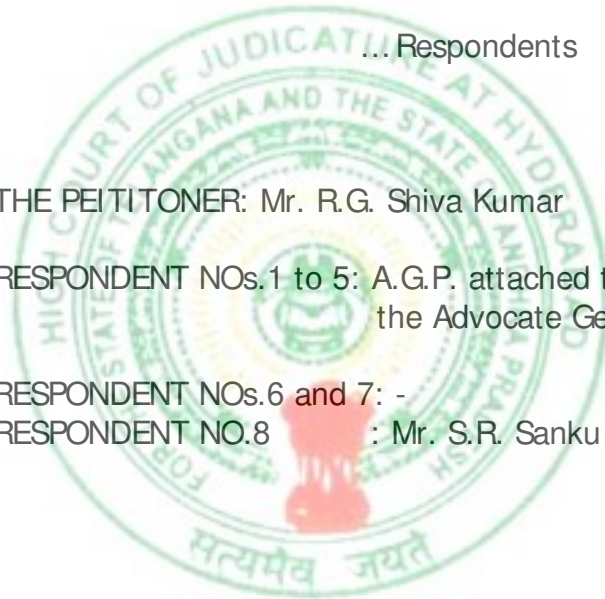
... Respondents

COUNSEL FOR THE PETITIONER: Mr. R.G. Shiva Kumar

COUNSEL FOR RESPONDENT NOS.1 to 5: A.G.P. attached to the office of
the Advocate General (TS)

COUNSEL FOR RESPONDENT NOS.6 and 7: -

COUNSEL FOR RESPONDENT NO.8 : Mr. S.R. Sanku



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of habeas corpus directing the respondents to forthwith produce Smt. B. Vijayalakshmi, W/o. Late B. Parameshwara Rao ("the alleged detainee") before this Court and set her at liberty.

2. In the wake of the allegations made in the affidavit filed by the petitioner, who is the co-sister of the alleged detainee, that the latter is not mentally sound and she was forcibly taken custody by respondent Nos.6 to 8, who are sisters and mother respectively of the alleged detainee, this Court has passed an order on 25.4.2017 directing the Superintendent or in-charge of the Institute of Mental Health Hospital, Erragadda, Hyderabad, to constitute a Medical Board, assess the physical and mental condition of the alleged detainee and file a report before this Court by the next date of hearing. A further direction was issued to respondent No.4 that after the medical assessment, the custody of the detainee shall be handed over to her mother – respondent No.8 with whom she is presently staying. In pursuance of the said direction, the Superintendent, Government Hospital for Mental Care, Erragadda, Hyderabad, submitted a medical report wherein it is stated as under:

"She was examined by a panel of psychiatrist and psychologist and was subjected to psychological tests. She is opined to be suffering from paranoid schizophrenia for which treatment has been started. During her stay in hospital she was found to have associated physical problems (hypertension and diabetes mellitus) for which she was referred to physician and treatment was started for the same. At present patient has both physical and psychiatric problem. In view of physical problem (i.e., uncontrolled hypertension and diabetes) patient is being discharged and handed over to family member (mother) by name J.M. Sridevi, W/o. Late J.V. Muthyalu and advised to continue treatment for physical and mental problem and come for follow up once in 15 days by psychiatrist."

3. When the writ petition came up before us yesterday, we have directed respondent No.8 to produce the alleged detainee before this Court to enable it to assess the condition of the alleged detainee and elicit her views. Accordingly, the alleged detainee is produced before the Court. She has answered the preliminary questions, such as her name, her educational

qualifications etc., to our satisfaction. When she was questioned as to whether she was forcibly taken away by respondent Nos.6 to 8, she replied in the negative and stated that she is willingly staying with them and that she does not want to live with the petitioner. Mr. R.G. Shiva Kumar, learned counsel for the petitioner, submitted that the alleged detainee is not in proper mental condition to decide about the persons with whom she wants to live and that the views expressed by her in the Court are due to the influence of respondent Nos.6 to 8. We are afraid, we cannot accept the submission of the learned counsel for the petitioner. While it is not possible for us to assess the exact mental condition of the alleged detainee, we are at least able to assess the mind of the alleged detainee to the extent of her preference to live with, between respondent Nos.6 to 8, who are no other than her own sisters and mother on one side, and the petitioner, who is her co-sister. Assuming that the mental condition of the alleged detainee is not proper and sound, it is always better that she is kept in the custody of her sisters and mother, rather than with the petitioner, who compared to respondent Nos.6 to 8 is a distant relation.

4. In the above facts and circumstances of the case, we are of the opinion that the petitioner is not entitled to the relief claimed in this writ petition. The writ petition is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedies, if any, available to her in law.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

12-7-2017

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