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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12031/2018 & CM APPL. 46575/2018**

INDIRA PURI MISTRY

..... Petitioner

Through Mr Anish Chawla, Mr Vinayak Batta,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Rakesh Kumar, CGSC for R1 and R2.
Mr Anjum Javed, ASC with Mr Faran Ahmed,
Advocate with SI Ranveer Mani, P.S. Anand
Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.12.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) to issue a writ, order, or direction in the nature of *Mandamus* appointing the petitioner as the Guardian of the respondent No. 4 to take care of her brother;

(ii) to issue a writ, order, or direction in the nature of *Mandamus* appointing the petitioner as the manager of the properties both movable and immovable as owned by respondent No. 4 and to take all decisions in respect

of the said properties as well as maintenance/ treatment of respondent no. 4.

(iii) to issue a writ, order, or direction in the nature of *Mandamus* holding that the petitioner being the near relative/caregiver will be the Nominated Representative of respondent No. 4 under The Mental Health Care Act, 2017 and perform all the duties as intended under the said Act.

(iv) to issue a writ, order, or direction in the nature of *Mandamus* directing the respondent no. 3 to register an FIR and hold enquiry / investigate the complaint made by the petitioner on 03.11.2017.

(v) to issue a writ, order, or direction in the nature of *Mandamus* directing the respondent no. 1 to lay down procedure for appointment of guardian and manager for managing the property and estate of the person with mental illness.”

2. The petitioner is the sister of respondent no.4 who has been diagnosed as a case of schizophrenia. He was diagnosed as a case of schizophrenia approximately 40 years ago and has been hospitalized on several occasions. The petitioner has serious apprehensions that respondent no.4, in his delusionary state may, damage his own property. The petitioner has also filed screen shots of certain SMSs which indicate that respondent no.4 is in touch with some persons who may be seeking to extract funds from him. In view of the aforesaid averments, this Court had directed the SDM, Vivek Vihar to make an inquiry and ascertain the mental status of respondent no.4.

3. The learned counsel appearing for the SDM has today handed over a report which indicates that respondent no.4 was examined by Dr Shalu

Dhiman, Senior Psychiatrist, Institute of Human Behaviour & Allied Sciences (HBAS). The preliminary report submitted by Dr Shalu Dhiman indicates that respondent no.4 appeared to be “*having illogical thinking, delusion of grandiosity and delusion of misidentification*”. She has concluded, on a preliminary examination, that respondent no.4 is suffering from Schizophrenia.

4. In addition, the SDM had also recorded the statement of Dr Manish Kansal, Doctor at Shanti Mukund Hospital, Vikas Marg, Delhi. He has also opined that respondent no.4 gets delusions, which become grave and, therefore, needs to be admitted to a hospital.

5. In view of the above reports, this Court is of the view that the petitioner’s apprehension that respondent no.4 may be duped of his wealth is justified.

6. In view of the above, the petitioner is temporarily appointed as a manager for the properties and bank accounts of respondent no.4. She would, however, ensure that appropriate accounts of the same are maintained. It is clarified that the petitioner is not authorized to sell or alienate any of the immovable properties of respondent no.4. She shall also restrict the withdrawal from the bank account of respondent no.4, to the extent required for respondent no. 4’s sustenance and treatment. The petitioner shall perform the duties as a nominated representative as specified under Section 17 of the Mental Health Care Act, 2017, including to ensure that respondent no.4 is treated medically.

7. In so far as the petitioner’s prayer for lodging an FIR is concerned, the petitioner is at liberty to approach the concerned police authorities. Needless to state that if an offence is made out, the concerned authorities shall take

the necessary steps in accordance with law.

8. The petition is disposed of with the aforesaid observations. The pending application is also disposed of.

9. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

DECEMBER 17, 2018

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