



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.22951 of 2019

K.R.Raja

... Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by,
The Home Secretary,
Prison Department,
Secretariat, Fort St. George,
Chennai - 09.

2.The Principal Secretary,

Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.

3.The Additional Director General of Police,

The Inspector General of Police,
Tamil nadu Prison Department Head quarters,
No.6, Whannels Road, Egmore,
Chennai - 600 008.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to take necessary steps to setup a medical wing either in the Trichy Cental Prison or Madurai Central Prison exclusively to provide mental health care facilities to the prisoners with mental illness and with round the clock availability of treatment by the Psychiatrist, Clinical Psychologist, Psychiatric Social Workers, Mental health nurses and other paramedical staffs like the Institute of Mental Health (IMH), Kilpauk, Chennai setup in a central prison in order to realize the correctional theories and rehabilitation of prisoners in the state of Tamil Nadu by implementing the order of the Hon'ble Supreme Court of India in "Accused 'X' Vs State of Mahashtra - R.P.(Crl.)No.301 of 2008 dated 12.04.2019, and in accordance with sectoin 103(6) of the Mental Health Care Act 2017 within the time stipulated by this Court.

For Petitioner

: Mr.R.Alagumani

For Respondents 1 to 3

: Mr.A.K.Baskara Pandiyan, Spl.



ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandiyan, learned Special Government Pleader appearing for the respondents 1 to 3.

2.By consent of both parties, this writ petition is taken up for final disposal.

3.This writ petition has been filed as Public Interest Litigation by one K.R.Raja who states that he is a medical and psychiatric social worker working towards helping the children of prison inmates and he has recently completed LLB degree from the Government Law College, Madurai and he has also graduated with Master Degree in Social Worker (MSW) with medical and psychiatric specialization and Master (MA) in Criminology and Police Administration.

4.In this writ petition, the petitioner seeks for a direction upon the respondents to take necessary steps to set up a medical wing either in Trichy or Madurai Central Prison exclusively to provide mental health care facilities to the prisoners with mental illness and with round the clock availability of treatment by the Psychiatrist, Clinical Psychologist, Psychiatric Social Workers, Mental health nurses and other paramedical staffs like the Institute of Mental Health (IMH), Kilpauk, Chennai setup in a central prison. The petitioner's case largely rests upon the Judgment of the Hon'ble Supreme Court in the case of **Accused 'X' State of Maharashtra in R.P. (Cr1.)No.301 of 2008** dated 12.04.2019. Referring the said decision, the petitioner has given a representation to the respondents on 27.09.2019 and sent the same by speed post on the very same date.

5.In our considered view, the authorities should be granted reasonable time to take a decision on the representation and considering the subject matter, which is involved in the instant case. We find that the petitioner is not justified in rushing to this Court within last 30 days from the date, on which, the representation would have been received by the authorities. Therefore, at this juncture, we cannot issue any positive direction nor concede that the prayer sought by the petitioner that all the reports should be called for. The Court will decide as to what relief the petitioner is entitled to, more particularly, in the Public Interest Litigation.

6.Therefore, we dispose of the writ petition by permitting the petitioner to pursue the representation before the authorities and



if so advised, he can also meet the authorities in person and submit requisite data, etc. He has made a statement in this writ petition that he is assisting the children of the prison inmates.

7. With the above observation, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

mrn/sji

To

1. The Home Secretary,
Prison Department,
Secretariat, Fort St. George,
Chennai - 09.

2. The Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Additional Director General of Police,
The Inspector General of Police,
Tamil nadu Prison Department Head quarters,
No.6, Whannels Road, Egmore,
Chennai - 600 008.

+1 CC to MR.R.ALAGUMANI, Advocate (SR-95405[F] dated 01/11/2019)

+1 CC to SPL GP (SR-95472[F] dated 01/11/2019)

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