

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.4378 of 2020

C.Subramani

.. Petitioner

..Vs..

The Dean,
Government Medical College Cum
Govt. Medical Hospital,
Adukkamparai,
Vellore District.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 11.12.2019 and thereby direct the respondent to assess the mental condition of S.Bhuvaneswari and to submit the report regarding the mental health condition of the said S.Bhuvaneswari.

For Petitioner : Mrs.Padmapriya for
Mr.P.Chandrasekar

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of mandamus, directing the respondent to consider the representation of the petitioner dated 11.12.2019 and direct the respondent to assess the mental condition of S.Bhuvaneswari and submit a report.

2. The petitioner C.Subramani is the father of two daughters namely C.S.Lalitha and S.Bhuvaneswari. It is claimed that 1/3rd share in the property at door No.5/2, Padmanabhan Pillai Street, Kodambakkam, Chennai - 600 024 and T.S.No.10/1, Block No.35, Puliyur Village to an extent of 1981 Sq.ft., with building was the self acquired property of the wife of the petitioner by name C.Sulochana. She obtained the same by way of a compromise decree in O.S.No.8604 of 2011 dated 20.01.2013. The said C.Sulochana died on 16.03.2012. The petitioner and his

two daughters C.S.Lalitha and S.Bhuvaneswari are said to be the only legal heirs of the deceased.

3. It is stated that S.Bhuvaneswari suffers from Schizophrenia. It is also stated that she has 1/9th share in the suit property and she is taking treatment for Chronic Schizophrenia. It is stated that the petitioner and his another daughter C.S.Lalitha have sold the property to K.K.Builders represented by Mr.K.Vaidyanathan. It is also stated that his daughter S.Bhuvaneswari is unmarried. The petitioner has sent a representation to the respondent namely the Dean, Government Medical College cum Government Medical Hospital, Adukkamparai, Vellore District to assess the mental condition of his daughter S.Bhuvaneswari. The writ petition has been filed seeking a mandamus for the same.

4. Heard Mrs.Padmapriya for Mr.P.Chandrasekar learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Additional Government Pleader for respondent.

5. In the first instance, the Court has to express a deep dissatisfaction over the repeated description of S.Bhuvaneswari as "Lunatic". The father who files the writ petition cannot be permitted and must be prohibited from using the term "Lunatic" for any person suffering from mental illness. Even otherwise, this writ Court cannot give any direction to the respondent namely the Dean, Government Medical College cum Medical Hospital, Adukkamparai, Vellore District to assess the mental condition of the said S.Bhuvaneswari. Suffice to state that the petitioner already has a certificate from a Doctor namely Dr.R.Sathish Kumar. The petitioner may workout his remedy in the manner known to law.

6. In view of the above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vum

To

The Dean,
Government Medical College Cum
Govt. Medical Hospital,
Adukkamparai,
Vellore District.

+1cc to Mr.P.Chandra Sekar Advocate, S.R.No.16716
+1cc to the Government Pleader, S.R.No.16038

W.P.No.4378 of 2020

ssd(CO)
smn(28/05/2020)



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