



W.P.(MD) No.2561 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2561 of 2020

Senthil Kumar
Rep., through his brother/Care-giver
Jayakumar .. Petitioner

Vs.

- 1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.
- 2.The Director,
Institute of Tamil Nadu Government
Mental Health Centre,
Chennai-10.
- 3.The Director,
Welfare of the Differently Abled Department,
Kamarajar Salai, Chennai-5.
- 4.The District Collector,
Tirunelveli District,
Tirunelveli-9.
- 5.The Welfare Officer,
District Differently Able Welfare Department,
Tirunelveli-9. .. Respondents



W.P.(MD) No.2561 of 2020

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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to constitute District Level Committee on Disability for Tirunelveli District to issue the Legal Guardianship Certificate for the mentally ill persons under the Mental Health Care Act, 2017 and under the Rights of persons with Disabilities Act 2016, by considering the petitioner's representation dated 03.01.2020 within a time to be framed by this Court.

For Petitioner : Mr.S.Loganathan

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

The petitioner has filed this writ petition for issue of a Writ of Mandamus directing the respondents to constitute District Level Committee on Disability for Tirunelveli District to issue the Legal Guardianship Certificate for the mentally ill persons under the Mental Health Care Act, 2017 and under the Rights of persons with Disabilities Act 2016, by considering the petitioner's representation dated 03.01.2020.



W.P.(MD) No.2561 of 2020

WEB COPY

2. Counter affidavit has been filed by the first and second respondents, wherein in paragraph 7, it has been stated as follows:

“7. It is most respectfully submitted that the grievance of the petitioner for appointment of a guardian could be redressed under Tamil Nadu Rights of Persons with Disabilities Rules, 2018. Rule 5 of the said Rules specifies appointment of limited guardians. Under Rule 5(i) of the said Rules, the District Collector is the designated authority for the purpose of sub-section (1) of Section 14 of the said Central Act, 4 of 2016.....”

3. Considering the fact that the designated authority is the District Collector, the petitioner is directed to make an application in the appropriate format to the District Collector, Tirunelveli. On receipt of the application, the District Collector, Tirunelveli, shall endeavour to dispose of the same within a period of six weeks from the date of receipt of a copy of this order.



W.P.(MD) No.2561 of 2020

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4. With the above direction, this Writ Petition is disposed of. No costs.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



W.P.(MD) No.2561 of 2020

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To

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- 4.The District Collector,
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Tirunelveli-9.
- 5.The Welfare Officer,
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W.P.(MD) No.2561 of 2020

P.T.ASHA, J.

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