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

+ **W.P.(C) 16517/2024**

HAV SURESH KUMAR (15705863 K)Petitioner

Through: **Mr. Ajit Kakkar & Mr. Mohit Kumar, Advs.**

versus

UNION OF INDIA AND ORSRespondents

Through: **Dr. Vijendra Mahndiyan, CGSC with Major Anish Muralidhar, Army.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **29.11.2024**

CM APPL. 69762/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16517/2024

2. This petition has been filed by the petitioner praying for the following reliefs:

“a. To issue writ Mandamus directing the respondents to bring all medical documents of the petitioner on record; and

b. To issue writ Mandamus directing the respondents to immediately post out the Petitioner from 12 WEU and to any other unit; and

c. To issue writ Mandamus directing the respondents to discharge him from the alleged psychiatric treatment presently placed at 186 MH Jaisalmer; and

d. To issue writ Mandamus directing the respondents to conduct medical of the



*petitioner from any other hospital out of South Western Command; and
e. To issue writ Mandamus directing the respondents to issue the Medical Entitlement Certificate for his mother for continue treatment being dependant.”*

3. It is the case of the petitioner that he has been forced to undergo psychiatric evaluations against his own free will and without the concurrence of his family members and without they being taken into confidence. The petitioner further claims that even his wife is not allowed to meet him.
4. Having considered the submissions made in the present petition, and without in any manner commenting thereon, we are of the opinion that the Competent Authority of the respondents, which is superior to the officers against whom allegations have been made in the present petition, should consider the present petition as a representation of the petitioner and decide upon the same within a period of three weeks of this Order. In case the decision is adverse to the case of the petitioner, the petitioner would be entitled to challenge the same in accordance with law.
5. In the meantime, it should also be ensured that the wife of the petitioner is allowed to meet the petitioner.
6. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 29, 2024/ab/B/VS

Click here to check corrigendum, if any