

S/L 39
17.04.2026
Court. No. 25
Suwayan

WPA 6244 of 2026

Susmita Das
Vs.
The State of West Bengal & Ors.

Mr. Sukrit Mukherjee
Mr. Arindam Paul
Ms. Debarati Das
Ms. Sohini Choudhury
Mr. S. P. Ghose
Ms. Eshika Nandy

...for the petitioner.

Mr. Santanu Kumar Mitra
Ms. Anandamayī Ghosh

...for the State.

1. The petitioner has filed the present writ application praying for a direction upon the respondents/authorities to act in accordance with the Sections 100 and 101 of the Mental Healthcare Act, 2017.
2. Learned counsel appearing for the petitioner submits that the father of the petitioner died on December 3, 2025. The petitioner is residing at her matrimonial home. The mother of the petitioner, namely, Latika Das is a septuagenarian old aged lady. He submits that her sister viz. Paromita Das being the respondent no. 5 is residing with her mother at Pramod Das Gupta Sarani, Hijalpukuria, Habra, West Bengal. The respondent no. 5 is diagnosed with schizophrenia and has recently become extremely violent, aggressive and abusive due to inconsistent medication scheduling. The respondent no. 5 is creating continuing nuisance and verbally abusing mother, other family members and neighbours.

3. Learned counsel for the petitioner submits that the petitioner has tried her level best to take the respondent no. 5 to the hospital for the treatment but due to the resistance of the private respondent and the aggressive activities of the respondent no. 5 it is not possible for the petitioner to take the private respondent no. 5 to the nearby hospital for getting appropriate treatment. He further submitted as the petitioner is not in a position to take the respondent no. 5 to the nearby hospital for appropriate treatment accordingly, the petitioner has made several representation to the concerned police authority as well as the District Magistrate for taking the respondent no. 5 to the concerned hospital for the proper treatment but none of the authorities have taken any steps as per the request made by the petitioner to the concerned authorities.
4. The State authorities have filed the report before this Court wherein it is found that that the respondent no. 5 is divorce woman and now suffers from schizophrenia disorder and live with her mother at her residence. After receipt of the writ application, the police team also visited the house of the respondent no. 5 and during the enquiry and as per the statement of the neighbours it came to know that the respondent no. 5 is suffering from schizophrenia. After her divorce she lived her mother at her house and always there is a hot altercation between both of them. During the enquiry the police also of the view that an arrangement has to be made for giving a proper treatment to the respondent no. 5 from the concerned hospital.

5. This Court by an order dated April 10, 2026 called for the report from the State authorities to ascertain the nearby hospital wherein the respondent no. 5 can be provided with proper treatment.
6. Learned counsel appearing for the State authorities have produced the list of hospitals and submits that the nearby hospital of the residence of the private respondent no. 5 is Habra State General Hospital wherein every 1st and 3rd Tuesday of every month the Chief Medical Officer is available for providing medical facilities who are suffering from psychiatric diseases. He submits that if an order is passed the authorities will take appropriate steps to produce the private respondent before the Chief Medical Officer for her regular treatment.
7. The learned counsel for the petitioner had relied upon the judgment in the case of ***Gurunatha vs. Deputy Director, Directorate of Public health and Preventive Medicine and Others*** reported in ***2024 SCC OnLine Madras 2051*** wherein the Madras High Court in the similar circumstances of the case as directed the authorities to take appropriate steps with regard to the person who are suffering from psychiatric ailment.
8. Heard the learned counsel for the respective parties perused the materials on record.
9. This Court finds that the petitioner has disclosed the document wherein it was found that the private respondent is suffering from schizophrenia disorder. She was earlier under medical treatment before the New Monobikash Kendra but subsequently she failed to continue to take the

medicine and now she has become aggressive due to which the petitioner and her mother are not in a position to control the private respondent no. 5. Section 100 of the Act provides the duties of police officers in respect of persons with the mental illness. Section 101 of the Act provides that report to Magistrate of person with mental illness in private residence who is ill-treated or neglected and Section 102 of the said Act provided that conveying or admitting person with mental illness to mental health establishment by Magistrate.

10. In the present case, this Court finds that the petitioner has made several request to the concerned police authority including the District Magistrate but no action has been taken. Only after filing of the writ application, the police authorities have visited the house of the private respondent no. 5 and found that the private respondent is suffering from schizophrenia. It is also the case of the petitioner that the petitioner is not in a position to take the private respondent to the hospital for having the treatment due to aggressive act of the respondent no. 5.
11. Accordingly, the Inspector-in-Charge, Habra Police Station, North 24 Parganas is directed to provide sufficient police protection with the lady police personnel to take the private respondent to the Habra State General Hospital for providing treatment and if the Chief Medical Officer of Habra State General Hospital found that any further specialized treatment is required to the respondent no. 5, the Chief Medical Officer of Health shall refer the respondent no. 5 to any other hospital where the

respondent no. 5 shall get the specialized treatment for the illness suffering by the respondent no. 5.

12. As per the list provided by the State it is found that in the Habra State General Hospital every 1st and 3rd Tuesday of every month the Chief Medical Officer will be available for providing treatment to the psychiatric patient.
13. Accordingly, the Officer-in-Charge, Habra Police Station is directed to take the respondent no. 5 along with her mother with the help of lady police personnel to the Habra State General Hospital on April 21, 2026 for the treatment of the respondent no. 5 and if the Chief Medical Officer shall take appropriate steps so that the private respondent no. 5 shall get appropriate treatment for the illness suffering by the respondent no. 5. If the Chief Medical Officer is of the view that further specialized treatment is received, he shall refer to respondent no. 5 to any other hospital for specialized treatment and police authorities shall provide necessary help to the respondent no. 5.
14. WPA 6244 of 2026 is disposed of.
15. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)