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

+ **W.P.(C) 6952/2019**

AMIT SAHNI

..... Petitioner

Through: Petitioner in person.

versus

GOVT OF NCT DELHI AND ORS.

..... Respondents

Through: Mr. Tushar Sannu, Standing Counsel & Mr. Yash Singh, Advocate with Mr. Deepak Kumar (HOD, PSY), Dr.Thippe Swamy (Associate Professor, CPSW) and Mr. L.K. Batra (AAO), for the respondent/ IHBAS.

+ **W.P.(C) 4468/2021**

SHREYUS SUKHIJA

..... Petitioner

Through: Mr. Mihir Samson, Ms. Vaishnavi Prasad & Mr. Pradip Kumar Singh, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Tushar Sannu, Standing Counsel & Mr. Yash Singh, Advocate with Mr. Deepak Kumar (HOD, PSY), Dr.Thippe Swamy (Associate Professor, CPSW) and Mr. L.K. Batra (AAO), for the respondent/ IHBAS.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.08.2023

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1. On 25.11.2022, this Court was informed by learned Standing Counsel for the Respondent No.1 that the process for reconstitution of the State

Mental Health Authority as per the requirements of Sections 45 and 46 of the Mental Health Act, 2017 and the Mental Healthcare (State Mental Health Authority) Rules, 2018 is underway and shall be finalised soon. This Court, based on upon the statement made by the learned Standing Counsel, granted time to the Respondent No.3 and also directed to file a status report.

2. It is unfortunate that till date the permanent State Mental Health Authority under the aforementioned statute has not been constituted. Therefore, this Court is left with no option, but to direct that the Secretary (Health), GNCTD, remain present in Court on the next date of hearing.

3. It is made clear that in case the permanent State Mental Health Authority is constituted as per the requirement of Sections 45 & 46 of the Mental Health Act, 2017, the personal appearance of the Secretary (Health), GNCTD, shall be dispensed with without further reference to the Court.

4. List on 15.09.2023.

5. It is needless to mention that the State Government shall also comply with all the other statutory provisions under the Mental Health Act, 2017 and the Mental Healthcare (State Mental Health Authority) Rules, 2018 including constitution of District Mental Health Authorities.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

AUGUST 2, 2023

B.S. Rohella