

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JANUARY, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.26233 OF 2010 (GM-RES)

BETWEEN:

THE MEMBER SECRETARY
HIGH COURT LEGAL SERVICES COMMITTEE
HIGH COURT ANNEXE
BANGALORE-560001

...PETITIONER

(BY SMT. B.V. VIDYULATHA, ADVOCATE)

AND:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA, BANGALORE
2. THE PRINCIPAL SECRETARY
DEPARTMENT OF SOCIAL WELFARE
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA, BANGALORE
3. THE SECRETARY
DEPARTMENT OF HOME AFFAIRS
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA, BANGALORE
4. THE SECRETARY
DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF KARNATAKA
VIKASA SOUDHA, BANGALORE
5. THE DIRECTOR GENERAL & INSPECTOR
GENERAL OF POLICE, NRUPATHUNGA ROAD
BANGALORE
6. THE COMMISSIONER
BRUHAT BANGALORE MAHANAGARA PALIKE

N.R. SQUARE, BANGALORE

7. THE CHAIRMAN
CENTRAL RELIEF COMMITTEE
KARNATAKA STATE REHABILITATION
CENTRE(BEGGARS COLONY)
KOTTIGEPALYA, NEAR SRIGANDADA
KAVALU, MAGADI MAIN ROAD
BANGALORE

8. THE SECRETARY
KARNATAKA STATE REHABILITATION
CENTRE(BEGGARS COLONY)
KOTTIGEPALYA, NEAR SRIGANDADA
KAVALU, MAGADI MAIN ROAD
BANGALORE

9. KARNATAKA STATE MENTAL HEALTH AUTHORITY
REP. BY ITS CHAIRMAN, THE SECRETARY
DEPT. OF HEALTH AND FAMILY WELFARE
M.S.BUILDING, BANGALORE- 560001

... RESPONDENTS

(BY SRI. S. RAJASHEKARA, AGA FOR R1 TO 5, 8 & 9;
SRI. H. DEVENDRAPPA, ADVOCATE FOR R6;
R7-SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R 1 TO 4, 7 AND 8 TO IMMEDIATELY EXTEND PROPER TREATMENT, MEDICAL CARE AND AID TO ALL THE INMATES WHO ARE AFFECTED BY GASTRO ENTERITIS, TUBERCULOSIS, PNEUMONIA AND OTHER EPIDEMIC AND ENDEMIC DISEASES AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THROUGH VIDEO CONFERENCING THIS DAY,
CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

1. This Public Interest Litigation petition was filed in the year 2010 seeking following reliefs:
 1. *Issue a writ of mandamus, directing respondents 1 to 4, 7 and 8 to immediately extend proper treatment, medical care and aid*

to all the inmates who are affected by gastro enteritis, tuberculosis, pneumonia and other epidemic and endemic diseases.

2. *To issue a writ of mandamus, directing Respondent No.1 to 4 to forthwith improve the living conditions of the inmates of all rehabilitation centers, aged homes, destitute centers, reception centers, asylums, orphanages and such other institutions run by the Government and other Organizations in Karnataka.*
3. *To constitute a Committee to periodically inspect and report regarding the amenities provided in such institutes and also to periodically monitor implementation of the welfare schemes meant for the socially deprived classes of the society.*
4. *To constitute a fact finding Committee to enquire into the disaster to known what led to loss of human life and misery and to suggest remedial measures to check recurrence of such incidents in future besides initiating appropriate action against those responsible for the incident.*
5. *And to issue such other necessary directions as deems fit in the circumstances of the case directing the Respondents to provide basic amenities and improve living conditions of inmates of all rehabilitation centers where beggars, destitutes and other under privileged classes of the society are lodged in different Institutions in the State of Karnataka.*

2. The learned counsel for the petitioner informs that from time to time several directions have been issued by this Court to the State authorities for improving the living conditions of the inmates of rehabilitation centres, aged homes, destitute centres, reception centres, asylums, orphanages centres and

etc. Thereafter considerable improvements have been made in the living conditions of the inmates. However, more than 30% of the inmates are mentally ill and no proper treatment is being given to them.

3. We have considered the submissions made by the learned counsel for the petitioner and gone through the records.

4. The purpose for which the Writ Petition was filed in the year 2010 has been fulfilled. The learned counsel for the petitioner herself admits that the reason for which this petition was filed in the year 2010 no more exists. However, the mental condition of the inmates in the centres aforementioned still require medical attention and as such, direction be issued to the authorities concerned.

5. Considering the entire aspects of the matter and going through the records, we are of the view that we cannot keep this petition alive for indefinite period, once the cause for which it was filed no more exists, the Writ Petition needs to be disposed of. However, while disposing of this petition, we deem it appropriate

to direct the 9th respondent - Karnataka State Mental Health Authority to take appropriate and necessary steps for providing proper medical treatment to the mentally ill inmates of the aforementioned centres within period of one month from today.

6. The counsel for the petitioner shall serve a copy of this order on the 9th respondent.

7. The Writ Petition, with these observations, is disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

PRS*