

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Monday, the 16th day of February 2026 / 27th Magha, 1947

IA NO.2/2026 IN O.P. 16667/1996(S)

Public Interest Litigation filed on the basis of the direction of the Honourable Supreme Court of India in Writ Petition (Crl.) No.237/89 Sheela Barse Vs. Union of India.

PETITIONER:

The High Court Legal Aid Committee,
Rep. By its secretary, Ernakulam.

RESPONDENTS:

1. The State of Kerala Rep. By the Secretary to Government, Health Department, Thiruvananthapuram.
2. The State Mental Health Authority,
Rep. By its Secretary, Thiruvananthapuram.

Addl. respondents:

3. Kerala State Electricity Board.
Rep. by its Secretary, Vaidyuthi Bhavan,
Thiruvananthapuram.
4. Kerala Water Authority, Rep. by its Managing Director,
-do-.
5. Commissioner and Secretary, Public Works Department,
-do-.

Addl. Respondents 3 to 5 are impleaded as per order dated.20.11.97 in CMP.No.36902/97.

6. Dr. Joseph Varghese P., S/o.P.V. Joseph, aged 46 years,
President, Indian Psychiatric Society, Kerala State Branch.
7. Dr. Kuruvila Thomas, S/o.P.M. Thomas (late) Aged 42 years,
General Secretary, Indian Psychiatric Society,
Kerala State Branch.

Addl. Respondents 6 & 7 are impleaded as per order dated 7.12.98 in CMP.42358/98 in OP.16667/96 S.

8. The Director of Health Services, Thiruvananthapuram.
9. Managing Director, Kerala State Civil Supplies Corporation, Ernakulam.
10. The General Manager, Matsyafed, Thiruvananthapuram.

Impleaded as per order dated 23.9.1999 in the statement dated 07.4.99 submitted by Advocate P.K. Sureshkumar in OP.16667/96.

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11. Union of India, Rep. By the Secretary,
Ministry of Health and Family Welfare, New Delhi.

Impleaded vide order dated 5.3.04 in OP.16667/96.

Addl. respondents:

12. The Secretary, (Taxes), Government of Kerala,
Secretariat, Trivandrum.
13. The Secretary (Finance), Government of Kerala,
Secretariat, Trivandrum.

Are suo motu impleaded as per order dtd. 1.9.05. in
OP.16667/96.

Addl.R14: The Secretary to Government,
Local Self Government Department,
Secretariat, Trivandrum.

Is impleaded as per order dated 20.9.2006.

Addl.respondents:

15. National Rural Health Mission
Represented by it's Mission Director,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhavan, New Delhi- 110011

16. National Rural Health Mission(Kerala)
NRHM Directorate,
General Hospital Junction,
Thiruvananthapuram

are impleaded as per order dated 28th July 2008.

17. Kerala Federation of Women Lawyers,
High Court Buildings, Ernakulam.

is impleaded as additional respondent as per order
dated 07.08.2008.

18. The Ministry of Women and Child Development in the Union
Government, New Delhi.

is impleaded as Addl. Respondent vide order
dated 26.8.2009

19. The Disabilities Commissioner, Annexe building, secretariat,
Thiruvananthapuram is impleaded as Addl. Respondent
vide order dated 30.09.2009.

20. The Kerala Federation for the Care of Mentally Disabled
(KFCMD), Reg.No.k.229/2003, Maria Sadanam, Kizhathadiyoor P.O,
Pala, Kottayam District represented by its Secretary,
Santhosh Joseph

is impleaded as additional respondent vide order
dated 10.10.2009.

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21. Kanivu Charitable Society(ER. No. 843/2009)
40/6454, Near T.D. Road Junction, Banerjee Road, Ernakulam,
Kochi-683018, Represented by it's Secretary

is impleaded as Addl. Respondent No21 vide order
dated 24.2.2010 in IA 2796/2010.

22. The Southern Railway, Represented by its General
Manager,Railway Head Quarters, Park Town, Chennai- 600003

is impleaded as Addl. Respondent No.22 vide Order
dated 10-07-2012 in I.A.9103/2012.

23. The Secretary, Department of Social Justice,
Government Of Kerala.

Is suo motu impleaded as Additional Respondent No 23 vide
order dated 9/5/2013 in IA 6482/2013.

Additional R24 to R31 Impleaded

24. The State of Kerala, represented by Secretary of Health and
Family Welfare Department, Secretariat, Thiruvananthapuram -
695 001.
25. The Director, Directorate of Health Services,
Thiruvananthapuram - 695 035.
26. The District Medical Officer, Thrissur - 680 001.
27. The State Police Chief, DGP Office, Vazhuthacadu,
Thiruvananthapuram - 695 010.
28. The District Police Chief, Thrissur.
29. The Superintendent, Mental Health Centre, Thiruvananthapuram -
695 005.
30. The Superintendent, Mental Health Centre, Thrissur - 680 004.
31. The Superintendent, Mental Health Centre, Kozhikode - 673 016.

Addl.R24 to R31 are impleaded vide order dated 16/02/2026
in IA 2/2026.

Sri.N.Manoj Kumar, State Attorney for R1, R12 to R14
Sri.K.R.Renjith, Govt. Pleader for respondents 1, 2 and
Addl. Respondents 5, 8, 14 & 19
Standing Counsel for Kerala State Electricity Board for R3.
Sri.Benjamin Paul, Standing counsel for R4.
Advocate Sri.M.R.Rajendran Nair (senior) for R6 & R7.
Standing Counsel, Matsyafed for R10.
Deputy Solicitor General of India for Addl.R11 and Addl.R18.
Special Govt. Pleader (Taxes) for Addl.R12.
Special Govt. Pleader (Finance) for Addl.R13.
Adv. Sri. M. Ajay for Addl.R16
Advocates Smt. N.N. Girija, P. Vijayamma, Molly Jacob and
Prabha. R. Menon for Addl.R17
Adv.Laji Sam Zachariah for Addl R21.
Sri.Dinesh Rao, Standing Counsel for Addl.R22.
Smt.Athira A.Menon, Standing Counsel for KELSA.
Advocates Sri.V.Ramkumar Nambiar &
Smt. Sathyashree Priya Easwaran (Amici Curiae)

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The Original Petition having come up for orders on 16/02/2026 praying to direct the District Police Chief, Thrissur to conduct an enquiry and submit a report regarding the incident and also to direct the Superintendent of the Mental Health Center, Thrissur to conduct an enquiry into the same, pointing out the defects if any that needs to be rectified so as to eliminate the possibility of such incidents recurring again in future and to submit a detailed report on the same in the interest of justice, this Court on the same day passed the following:

P.T.O.

DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.

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Dated this the 16th day of February, 2026

ORDER

The learned Amici Curiae – Sri.V.Ramkumar Nambiar and Smt.Sathyashree Priya Easwaran, bring, through this application, a matter of vital public involvement.

2. Rather shockingly, a person declared to be in need of care, appears to have escaped from the Mental Health Centre, Thrissur; and then vanished into the darkness of the night, to attack three people and injure them grievously. It is a matter of providence that none of the injured persons are now in the danger zone; but it is for no fault of theirs, that they have been subjected to this trauma.

3. The learned Amici Curiae, in paragraph 2 of this application, have posed certain very pertinent questions, which certainly engage our minds also, not merely when told about this incident, but even otherwise. Something like this to happen in future is one that we were always apprehensive about, especially when the security situation in the Mental Health Centres has not been properly verified or audited for a long time. In fact, this Court has initiated another application for various purposes, including this.

4. No doubt, the situation presented is very grave and requires to be dealt with immediately. No delay can be brooked, particularly when dealing with people who have no control over their actions.

5. Sri.K.R.Ranjith – learned Government Pleader, sought a few days' time to respond to this application, as also to answer the questions posed by the learned Amici Curiae.

6. We propose to accede to the afore request; but are certain that we cannot wait for answers to come.

We, consequently, issue the following directions:

(a) We implead the State of Kerala, represented by Secretary of Health and Family Welfare Department, Secretariat, Thiruvananthapuram – 695 001; the Director, Directorate of Health Services, Thiruvananthapuram; the District Medical Officer, Thrissur; the State Police Chief, DGP Office, Vazhuthacadu, Thiruvananthapuram; the District Police Chief, Thrissur and the Superintendents, Mental Health Centres, Thiruvananthapuram, Thrissur and Kozhikode as respondents.

(b) Sri.K.R.Ranjith – learned Government Pleader, will respond to the contents of this application and specifically the questions posed by the learned Amici Curiae, by the next

posting date, through an affidavit to be sworn to by a competent Authority/Authorities.

(c) We direct the respondent - Director of Health Services, in concurrence with the other officers, to conduct a safety audit of all the three Mental Health Centres, with specific reference to the areas where persons in need of care are being housed and protected.

(d) We request the learned Amici Curiae - either both of them or either of them - to be involved in the afore audit, for which all steps shall be taken by the respondent - Director of Health Services. The report of Audit so made, shall be made available to us by the next posting date.

(e) We direct the respondent - District Medical Officer, Thrissur, to verify the present status of the persons injured in the incident in question; and inform us how their treatment is being taken care of, as also the provisions made, if any, for its financing and expenses.

(f) We direct the Superintendents of the Mental Health Centres, to inform this Court, the steps and measures in place for the protection of the doctors, nurses and other healthcare professionals of the institution, as also the details regarding the security personnel and such other, which will also be

answered in terms of the questions posed by the learned Amici Curiae mentioned above.

(g) We direct the Superintendents of Police/Commissioners of Thiruvananthapuram, Thrissur and Kozhikode to ensure that sufficient security is maintained in all the Mental Health Centers, suitably liaising with the Superintendents of such Centres, to make sure that such incidents do not happen in future.

List on 03.03.2026

H/o.

Sd/- DEVAN RAMACHANDRAN,
JUDGE

Sd/- M.B. SNEHALATHA,
JUDGE

stu

True copy.


ASSISTANT REGISTRAR

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