



**R.O.C.No.75609-A/2020/F1**

**P.Dis./9/2021**

**CIRCULAR**

Sub: The Mental Healthcare Act, 2017 (10 of 2017) – Request of the Chairperson, Tamil Nadu State Mental Authority, Chennai to issue circular to the Judicial Officers of the Subordinate Courts with regard to the provision contained under Section 105 of the Act – Considered by the High Court – Circular issued – Reg.

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The High Court, Madras upon considering the request received from the Chairperson of the Tamil Nadu State Mental Health Authority, Chennai issues the following instructions:-

“All the Judicial Officers are hereby directed that as mandated in the provision under Section 105 of the Mental Healthcare Act, 2017, if during any judicial process before any competent Court, proof of mental illness is produced and is challenged by the other party, the Court shall refer the same for further scrutiny to the concerned Mental Health Review Board and the Board shall, after examination of the person alleged to have a mental illness either by itself or through a committee of experts, submit its opinion to the Court.”

The above instructions are to be followed scrupulously.

**HIGH COURT, MADRAS**  
**DATED: 01.07.2021**

  
**REGISTRAR GENERAL**

To

1. All the Principal District Judges/District Judges. } with a request
2. The Principal Judge, City Civil Court, Chennai. } to communicate
3. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris at Uthagamandalam. } the circular
4. The Chief Judge, Court of Small Causes, Chennai. } to all the courts
5. The Chief Judge, Puducherry. } under your
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, Chennai-28. } jurisdiction.
7. The Court Manager, High Court, Madras (with a request to communicate the circular to all the Court Managers in Tamil Nadu and Puducherry through e-mode.) }
8. The Section Officer, "F" Section, Madurai Bench of Madras High Court, Madurai. }
9. The Record Keeper, A.D.Records, High Court, Madras and Madurai Bench. }