

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.8622 OF 2025

IN

WRIT PETITION NO. 14456 OF 2024

Jaideep MaratheApplicant

IN THE MATTER BETWEEN

Jaideep MarathePetitioner

Vs.

The State of Maharashtra & Ors.Respondents

Mr. Ketan Arun Dhavle, for the Applicant/Original Petitioner.

Ms. Vrishali Raje, AGP for Respondent No.1-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 21st AUGUST 2025.

P.C.:-

1. By order dated 7th August 2025, we had directed the Secretary, District Legal Services Authority (DLSA) as well as a responsible officer from the Collector Office to visit Vaibhav Sathe's house on 8th August 2025 along with the concerned police from Naupada Police Station, Thane to take him to the Mental Hospital in Thane. We had directed the Collector's representative and the DLSA

Secretary to prepare an inventory of the articles in the house and get the house cleaned and seal the same. The keys of the house were to be kept with the Collector. We had also directed the DLSA Secretary to take instructions with respect to the bank accounts in the name of Vaibhav Sathe and his parents as also, in respect of the other flat owned by Vaibhav Sathe.

2. Today, the Secretary DLSA tendered two reports, dated 20th August 2025. The same are taken on record. There is a Mental Health Report dated 19th August 2025 submitted by the Regional Mental Hospital ('RMH'), Thane. We have gone through the said report. It appears that Mr. Sathe is doing well with three proper meals a day. His weight has increased. He appears to be conscious, co-operative and communicative although, he does mutter irrelevant words intermittently. His mental and physical health is being evaluated daily by a Specialist and he is also to be examined by the Doctors at the J. J. Hospital at Mumbai to assess any underline psychopathology and personality structure.

3. The report of the DLSA Secretary has detailed the bank accounts of Mr. Sathe. Similarly, a statement was recorded of the

erstwhile tenant residing in the other property of Mr. Sathe. The short gist of her statement indicates that she is owed an amount of Rs.65,000/- by Mr. Sathe towards refund of her security deposit. However, she is ready to hand over the keys of the house to the DLSA Secretary after removing her few belongings from the said flat, and is agreeable to accept the refund of her deposit on a later date.

4. Considering the positive report of Mr. Sathe's health status, we deemed it appropriate to interact with Mr. Sathe on Video Conferencing ('V/C'). Accordingly, the Hospital Authorities facilitated V/C interaction of Mr. Sathe with us from the Hospital itself. We found Mr. Sathe to be a fairly intelligent person. He spoke to us very clearly and also offered his gratitude for all the assistance rendered by the Hospital Authorities as well as the DLSA personnel. However, on the background of the situation that we witnessed Mr. Sathe and his condition only ten days ago, and on interacting with the Hospital Authorities, we are of the opinion that the doctors be permitted to continue to monitor Mr. Sathe's condition for a period of three more weeks during which Mr. Sathe will remain admitted in the Hospital. We direct the Hospital Authorities accordingly and request them to

also submit a further status report regarding Mr. Sathe's health after three weeks.

5. We were informed by the Maharashtra State Legal Services Authority ('MSLSA'), Secretary regarding other information collected by the DLSA Secretary as well as the para-legal volunteers assisting in the present case. There is approximately an amount of Rs.1,80,000/- in the bank accounts of Mr. Sathe and his parents. The flat in which Mr. Sathe was residing is devoid of electricity since Mr. Sathe had pulled out all the wiring and the meter as per the counsel appearing for the Petitioner. So also, the window panes are broken leaving the house open to vagaries of the rains and other climatic conditions. We thus, direct the Secretary, DLSA to take possession of the flat, get the electricity wiring and meter repaired and installed and lock the flat. He shall hold on to the keys of the said flat in his custody till further orders.

6. Considering that Mr. Sathe has no immediate relatives to look after him after his release from the hospital, we are required to appoint a legal guardian to look after him and his affairs till such time a permanent resolution is found or Mr. Sathe recovers and is well

enough to look after himself. In this view of the matter, as a pro tem measure, we pass the following directions:

- (i) The Secretary, District Legal Services Authority, Thane is hereby appointed as Legal Guardian of the person and property of Mr. Vaibhav Sathe till further orders.
- (ii) The Secretary, District Legal Services Authority, Thane shall open a Savings Bank Account in any of the Nationalized Bank under the name of the Secretary, District Legal Services Authority, Thane as Legal Guardian of Vaibhav Sathe. The said account shall be operable jointly by the DLSA Secretary and Mr. Sathe or the DLSA Secretary alone.
- (iii) The Secretary, District Legal Services Authority, Thane shall get the possession of Flat No.103 situated in Navgeeta Co-operative Housing Society, Ramnagar, Naupada, Thane from Smt. Sampada Sandip Palaye, the erstwhile tenant of the flat as per the report dated 20th August, 2025 vide Outward No.461 of 2025. The Secretary, District Legal Services Authority, Thane, shall ascertain that Flat No.103 situated in Navgeeta Society, Thane is properly cleaned, and he is further directed to prepare a detailed inventory of the said flat mentioning the necessary articles, etc. in the same. After taking possession of the said flat, the Secretary, District Legal Services Authority, Thane to take necessary measures for up-keeping of the said flat and ensure that the same is in a habitable condition.

(iv) The Secretary, District Legal Services Authority, Thane to find a prospective licensee and ensure that the flat in question is given under leave and license to a suitable person at the prevailing market rate. The Secretary, District Legal Services Authority, Thane to further ensure that the monthly license fee/rent is deposited timely in the account mentioned *supra*.

(v) After the license fees/rent (Advance license fee/rent, if any) is deposited, the Secretary, District Legal Services Authority, Thane to make repayment of the deposit amount of Rs.65,000/- in four or more equal tranches, as convenient to Smt. Sampada Sandip Palaye.

(vi) The Secretary, District Legal Services Authority, Thane to maintain account of the license fees/rent, advance and expenses. He shall also forward such quarterly statement to the Secretary, Maharashtra State Legal Services Authority, Mumbai.

(vii) The Secretary, District Legal Services Authority, Thane is further directed to cause the necessary repairs to the present house in which Vaibhav Sathe was staying before his admission to Regional Mental Hospital, Thane, out of the amount received towards advance license fees/rent. For the said purpose the Collector, Thane is requested to forthwith handover the keys of the house to the Secretary, District Legal Services Authority, Thane which were kept with him vide order dated 07th August 2025.

(viii) In respect of electricity connection in this flat, we direct the Secretary, District Legal Services Authority, Thane and MSEDCL, Thane to restore the electricity connection forthwith. The tariff charges of the same be paid from the amount received towards advance license fees/rent. Further, considering the peculiar facts, circumstances and the condition of Vaibhav Sathe, we direct the MSEDCL, Thane to take a sympathetic view towards waving off the penalty and other incidental charges, if any, required for restoring the Electric Meter Connection.

(ix) The Petitioner, Jaideep Marathe is at liberty to visit Vaibhav Sathe at RMH, Thane along with other relatives and friends of Vaibhav Sathe (if any), during his stay at RMH, Thane and even thereafter. For the said purpose, RMH, Thane to provide necessary visitation facility as per visiting schedule.

(x) The Secretary, District Legal Services Authority, Thane to furnish compliance report on or before **4th September 2025**.

7. Considering that there is rising need for a structured plan/arrangement for persons such as Mr. Sathe, who live alone and are physically or mentally unwell and are unable to look after themselves, we intend to devise a suitable mechanism to deal with persons suffering such plight as Mr. Sathe. The facts in the present petition have starkly exposed the shortcomings of the existing welfare

measures. There is thus, a pressing need for some facility to cater for such patients. The MSLSA Secretary has brought to our notice, a decision of this Court dated 22nd March 2024 in the Public Interest Litigation No. 43 of 2022 in the case of ***Dr. Harish Shetty v. The State of Maharashtra & Ors.***¹. In the said PIL, this Court was dealing with the shortcomings in the implementation of a legal frame-work of mental health care and protection of the rights of individuals with mental health problems. In paragraph 106 of the said decision, there are certain directions given to the Authorities. We make it clear that we are inclined to draw from the said decision and consider putting in place an appropriate mechanism to deal with the issues and the plight in which persons like Mr. Sathe find themselves. The learned AGP to assist us in this endeavour.

8. List for further directions on 11th September 2025.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2025.08.25
13:26:58
+0530