

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5215 of 2019

1.S.Kalarani

2.S.Surendranathan

...Petitioners

Vs.

The District Collector  
Chennai District

(The Chairman of Local Level Committee)

National Trust for Welfare of Persons with  
Autism Cerebral Palsy

Mental Retardation and Multiple Disabilities Act, 1999

Singaravelar Maaligai

62, Rajaji Salai, Chennai-600 001.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the representation of the 1st petitioner dated 27.03.2017 enclosing Form D regarding appointment of Guardian and further remainders dated 22.11.2017, 04.01.2019.

For Petitioners: Mr.P.Raghunathan  
for M/s.T.S.Gopalan & Co.,

For Respondent : Mr.E.Balamurugan  
Special Government Pleader

सत्यमेव जयते  
O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioners seek for a Mandamus directing the respondent to consider their representation dated 27.03.2017, wherein and whereby, they sought to appoint them as a Guardian for S.Balamahendran.

4. It is stated that the first & second petitioners are the mother and brother of S.Balamahendran respectively. It is further stated that the petitioners have made a representation dated 27.03.2017, followed by another two representations dated 22.11.2017 & 04.01.2019, seeking to appoint them as a Guardian for S.Balamahendran, who is having disability viz., Hypoxic ischemic encephalopathy since 2008.

5. The grievance of the petitioners before this Court is that the said request has not been considered by the respondent so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners, as it is for the respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the respondent to consider the representations dated 27.03.2017, 22.11.2017 and 04.01.2019 and pass orders on the same on merits and in accordance with law, after hearing the petitioners and other interested parties, if any. Such exercise shall be done by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

The District Collector  
Chennai District  
(The Chairman of Local Level Committee)  
National Trust for Welfare of Persons with  
Autism Cerebral Palsy  
Mental Retardation and Multiple Disabilities Act, 1999  
Singaravelar Maaligai, 62, Rajaji Salai, Chennai-600 001.

+1 cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.16854

+1 cc to the Government Pleader, S.R.No.17670

W.P.No.5215 of 2019

MG (CO)  
SSM(22/03/2019)