

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.18723 OF 2020

P.Ramadoss

... Petitioner

Vs.

The Local Level committee,  
The District Collector,  
District Collector Office,  
Chennai - 600 001.

... Respondent

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to dispose of the application for appointment of Guardian for a person with disability filed on 09.09.2020 for the appointment of Guardian for the disability person namely G.Raffi.

For Petitioner : Mr.R.Ravi  
For Respondent : Mr.V.Shanmugasundar  
Special Government Pleader

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioner's application dated 09.09.2020 for appointment of Guardian for the disability person namely G.Raffi.

2. The learned counsel for the petitioner submits that the petitioner's sister namely, one G.Indirani @ Shakila Bee was married one Gulam Moidheen and through their marriage, they have a son namely G.Raffi. The said Gulam Moidheen died on 03.11.2006 leaving behind his legal heirs Shakila Bee and G.Raffi and the legal heir certificate dated 06.12.2006 was issued by the Tahsildar, Attur. Thereafter, on 23.11.2019, the said Shakila Bee also died. The said G.Raffi is mentally retarded person and he cannot move anywhere and perform his activities in day-to-day life.

3. He further submits that after the demise of parents of G.Raffi, the petitioner is only taking care of him. The

petitioner approached the Education Department to issue family pension in the name of G.Raffi since his father had worked as a Teacher. Even after furnishing the entire documents, the Department has not given the pension to G.Raffi and they informed that after appointment of Guardian to the mentally retarded person, the pension can be given through the Guardian. As per which, the petitioner has sent an application dated 09.09.2020 for appointment of Guardian for person with disability to the respondent since the said G.Raffi is in the custody of the petitioner. But, the respondent so far, has not appointed the petitioner as Guardian for the said G.Raffi. Hence, the present Writ Petition has been filed seeking a direction to the respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent/District Collector, Chennai, to consider the petitioner's application dated 09.09.2020 and pass an order, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

The Local Level committee,  
The District Collector,  
District Collector Office,  
Chennai - 600 001.

W.P.No.18723 of 2020

LN(CO)  
CS/11/01/2021