



W.P(MD)No.27583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27583 of 2022

Panjarasan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector's Office,
Madurai.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Madurai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Melur.
- 4.The Tahsildar,
Office of the Tahsildar,
Melur.
- 5.The District Differently Abled Welfare Officer,
Office of the District Differently Abled Welfare Officer,
Chennai.
6. The District Differently Abled Welfare Officer,
Madurai.

... Respondents

(The 6th respondent is *suo motu* impleaded vide order dated
21.12.2022)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to appoint the petitioner a Legal Guardian for his mentally disabled brother Pandian by considering the representation dated 28.09.2022.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner's elder brother is suffering from 90% intellectual disability. The petitioner has obtained disability certificate from the fifth respondent. The petitioner as well as his brother are presently residing at Melur. The petitioner wants this Court to direct the first respondent to appoint him as legal guardian for his brother. He has given a representation in this regard on 28.09.2022.

3. The fifth respondent is present in person before this Court. He assures the Court that the petitioner can very well approach him in person on all the working days and make available all the relevant records and he would



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facilitate the appointment of the petitioner as legal guardian for his mentally disabled brother. The petitioner's father namely Neelamegam had two wives. His father's first wife was one Panchavarnam. Through first wife, two children were born (Ravi and Ramesh). After the demise of Panchavarnam, the petitioner's father got married to Sundari. The petitioner and his mentally challenged brother were born through the second wife. The petitioner's father died in 2021. The petitioner's mother is also no more. At present, the petitioner is the nearest blood relative of the individual. Therefore, it is the petitioner who has to be appointed as guardian. It is the first respondent who has to satisfy himself and then appoint the petitioner as guardian. The entire exercise shall be completed within a period of 60 days from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. It is for the first respondent to pass order one way or other.

4. The Writ Petition is allowed on these terms. No costs.

21.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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