



W.P.No.20579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20579 of 2023
and WMP.No.19968 of 2023

Nishi

.... Petitioner

Vs

1.The District Collector
District Collectorate
First Floor
Tiruvallur - 602 001.

2.The Tahsildar
Avadi Taluk
Thiruvallur District
Tamil Nadu - 603 001.

3.The District Differently Abled Welfare Officer
Thiruvallur District
Chinna Ekkadu, Jaya Nagar
Thiruvallur, Tamil Nadu -602 001.

4.The Branch Manager
State Bank of India
Avadi Tank Factory Road
Heavy Vehicles Factory Campus
P.B.No.2, Avadi
Chennai.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to appoint the petitioner daughter herein as the legal guardian of the mentally incapacitated father and brother, and to operate the bank account standing in the name of the petitioner's father maintained with the fourth respondent and to enable the petitioner to deal with the property of the petitioner's father comprised in Survey No.264/1B, (Previous Survey No.264), Thirumullivoyal Village, Avadi Township, now at Thiruvallur District, measuring about 3,612 sq.ft. to meet out the emergent medical needs of the father and brother of the petitioner.

For Petitioner : Mr.B.Divakaran
For Respondent : Mr.S.J.Mohammed Sathik
Government Advocate for R1 to R3

ORDER

The petitioner is caring her father and her brother, both of who are mentally disabled. She therefore requires herself to be appointed as a legal guardian for a limited purpose of taking such legal decision as would be binding on her father.

2. The learned counsel for the petitioner submitted that in terms of Section 14 of the Right of Persons with Disabilities Act, 2016, the petitioner is entitled to have her appointed as a legal guardian for her father, and has made necessary representation to the District Collector.

3. Mr.S.J.Mohammed Sathik, learned Government Advocate appearing for



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the respondents submitted that in terms of the Rules, the petitioner has to present an application in Form-I, and that no such application is made before the District Collector, and proceeded to submit that as per the instructions, even the representation said to have been sent to the District Collector, is not received at the Collectorate.

4. The petitioner is now directed to file an application in Form-I to the District Collector, within a period of one week from the date of receipt of a copy of this order, whereupon the District Collector is required to take a decision on the same, within a period of next two weeks.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2023

Index : Yes / No
Speaking order / Non-speaking order
ds

Note : Issue order copy on 24.07.2023



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N.SESHASAYEE.J.,

ds

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