



WEB COPY



O.P.No.488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

O.P.No.488 of 2024

Kalpana J

... Petitioner

Prayer: Petition for appointment of a guardian under Clause 17 of the Letters Patent Act, prays for (a) That the said Kalpana J, who is the natural guardian, is a fit and proper person may be appointed the guardian of the person and manager of the properties of mentally retarded person named Sridhar. (b) That the petitioner may be permitted to administer or sale the property of the mentally retarded person, in order to meet the medical expense and survival expense. (c) Deposit of the sale proceedings in the Bank and credit the interest monthly petitioner's account within. (d) For such other relief as to this court may think fit.

For Petitioner : M/s.M.Padmanaban

ORDER

This petition is filed for appointing the mother as guardian and as a manager of the property. Further, the petitioner sought for permission to sell the property of the disabled person.



O.P.No.488 of 2024

2. The petitioner is the mother of one Sridhar, aged 29 years, who suffers from 90% cerebral palsy, leading to locomotor disability. According to the petitioner, after the death of Jayabalan, the father of Sridhar, she has been taking care of her son, who is mentally ill, and the property that devolved upon him is administered by her as a mother and natural guardian, given that he suffers from 90% disability.

3. This Court, after perusing the petition and the evidence let in, is satisfied that the petitioner's son suffers from mental retardation and cerebral palsy, which is a case of multiple disabilities that falls squarely within the scope and ambit of National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. Under the said Act, the Collector is the competent person to appoint guardian for a person with multiple disabilities. However, in view of the judgment passed by this Court in *C.Raghuraman*, the petitioner has approached this Court invoking Clause 17 of the Letters Patent Act.

4. Based on a cumulative assessment of the facts and the law, this Court is appointing Mrs.Kalpana as the guardian of the physically and mentally



O.P.No.488 of 2024

disabled person, Sridhar, to administer the property devolved upon him. To sell the property, the petitioner shall approach the appropriate authority with the details of the prospective buyer and the price of the property.

5. With this observation, this Original Petition is disposed of.

03.12.2024

Index: Yes/No

Internet: Yes

Speaking/Non Speaking

rpl



WEB COPY



O.P.No.488 of 2024

DR.G.JAYACHANDRAN, J.

rpl

O.P.No.488 of 2024

03.12.2024