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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28393 of 2024
and WMP.No.30964 of 2024**

Sivakumar Chellathurai

.. Petitioner

Vs.

1. DEPARTMENT OF EMPOWERMENT OF
PERSONS WITH DISABILITIES MINISTRY OF
SOCIAL JUSTICE AND EMPOWERMENT,
ROOM NO.517,
B-II BLOCK, ANTYODAYA BHAWAN, CGO COMPLEX,
LODHI ROAD, NEW DELhi.
- 2 THE COMMISSIONER FOR WELFARE
OF THE DIFFERENTLY ABLED,
STATE COMMISSIONERATE FOR WELFARE OF THE
DIFFERENTLY ABLED, NO.5, KAMARAJAR SALAI,
LADY WELLING TON COLLEGE CAMPUS, CHENNAI.
- 3 THE DIRECTOR OF MEDICAL SERVICES,
DIRECTORATE OF MEDICAL SERVICES,
DMS CAMPUS, ANNA SALAI, TEYNAMPET,
CHENNAI-600 006 TAMILNADU INDIA
- 4 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, RAJAJI
SALAI, CHENNAI-600 001.
- 5 KOUSALYA DEVI
- 6 SABARI KUMAR

..Respondents

Petition filed under Article 226 of the Constitution of India, for
issuance of Writ of Mandamus directing the respondents 1 -4 to issue



disability certificate to petitioners father Mr.P.K.M.Thurai aged 81 residing at No.18 4th cross street , Trustpuram, Kodambakkam, chennai-600 024 and consequentially appoint the petitioner(elder son)herein as the limited guardian under section 14 of the Rights of persons with Disability Act 2016.

For Petitioner : Mr.A.Abdul Hameed

For Respondents : Mr.LSM.Hasan Fizal, AGP RR2 to 4
Mr.L.Sundaram, GA R3

ORDER

This Petition has been filed seeking a direction to the respondents 1 -4 to issue disability certificate to petitioners father Mr.P.K.M.Thurai aged 81 residing at No.18 4th cross street Trustpuram Kodambakkam chennai-600 024 and consequentially appoint the petitioner(elder son)herein as the limited guardian under section 14 of the Rights of persons with Disability Act 2016.

2. It is the case of the petitioner that he is the elder son of his father Thurai, aged about 81 years, who is suffering from severe health complications, including multiple strokes, diabetes and post covid effects. The private respondents, who are the other children of Thurai, have neglected to maintain their father. Under these circumstance, the petitioner requests the Court to direct the respondents to issue the



disability certificate to his father as no alternative remedy is available, and to further appoint the petitioner herein as the limited guardian.

Hence, the present writ petition.

3. The learned Additional Government Pleader submitted that for the very same prayer, the petitioner has already filed petitions before this Court in OSA.Nos.168,169,170,172 of 2023 and the same are pending.

4. Heard the learned counsel for the petitioner and the learned Government Counsel and perused the materials available on record.

5. As submitted by the learned Additional Government Pleader, when OP has already been pending with regard to the subject issue, the petitioner has filed the present petition for very same prayer for appointment of limited guardian for his father, which is impermissible one and therefore, the writ petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy where the OSA

M.DHANDAPANI,J.



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is pending. Consequently, connected miscellaneous petition is also
closed.

24.09.2024

rli

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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