



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.08.2024

Pronounced on : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.13393 of 2024

R.Suganya

... Petitioner

Vs.

1.The State, rep.by its Secretary,
Department of Health and Family
Welfare,
Secretariat, Fort St.George,
Chennai – 600 001.

2.The District Collector,
Madurai District.

3.The Dean,
Government Rajaji Hospital,
Madurai.

4.The Tahsildar,
Usilampatti Taluk,
Madurai District.

5.The Branch Manager,
State Bank of India,
Usilampatti Branch,
Madurai.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the petitioner as the Guardian of her husband Thiru.S.Rajendran and permit the petitioner to protect his interest, administer his bank account and to act his manager, etc., in order to use the proceeds towards the medical expenses of her husband Thiru.S.Rajendran.

For Petitioner : Mr.V.B.Sundhareswar

For Respondents : Mr.K.Balasubramani,
Special Government Pleader for R1 to R4

Mr.C.Karthik for R5

ORDER

Heard both sides.

2.The petitioner's husband met with an accident on 06.05.2022. I perused the medical records. I am more than convinced that the petitioner's husband is now in a vegetative condition. He is not in a position to act on his own. The petitioner states that her husband has suffered skull injuries and that the family is not even able to meet the medical expenditure. It is stated that the monies belonging to her husband are lying in a bank account maintained with the fifth respondent. In this background, this present writ petition has been filed.



3.I have held in more than one case that in writ proceedings, the High Court can declare the appropriate person as guardian. The petitioner is none other than the wife. It is she who is taking care of her husband. The petitioner is declared as guardian for her husband. The petitioner is permitted to operate the bank account of her husband maintained with the fifth respondent. Money lying in the account can be withdrawn for the welfare and benefit of the husband and family. Since the property details have not been furnished, the only declaration that can be given is that the petitioner can act on behalf of her husband. But then, the properties can be alienated only with the leave of this Court by filing a miscellaneous petition before this Court.

4.This writ petition is disposed of by declaring the petitioner as guardian for the person as well the properties of her husband. Permission to withdraw the amount lying in the bank account is granted but the immovable properties can be sold only with the leave of this Court. No costs.

13.08.2024

skm



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To

- 1.The Secretary, Department of Health and Family Welfare, Secretariat, Fort St.George, Chennai – 600 001.
- 2.The District Collector, Madurai District.
- 3.The Dean, Government Rajaji Hospital, Madurai.
- 4.The Tahsildar, Usilampatti Taluk, Madurai District.



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G.R.SWAMINATHAN, J.

skm

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