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W.P.(MD)No.18016 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.08.2024

Pronounced on : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16172 of 2024

S.Karthikeyan

... Petitioner

Vs.

1.The Deputy Commandant,
Central Industrial Security Force,
Unit IPRC, Mahendragiri,
Tirunelveli District.

2.The District Collector,
Madurai District,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to recognize the petitioner as a legal guardian of Thiru.S.Manikandan, S/o.Late Selvaraj aged about 22 years within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R2.
Mr.K.Govindarajan,
Deputy Solicitor General of India for R1.

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ORDER

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Heard both sides.

2.The petitioner's father served CISF as Constable. He died in harness on 14.02.1997. The petitioner's mother was thereafter appointed as Constable and she died while in service on 12.01.2024. The petitioner has a younger brother by name Manikandam. He is aged about 28 years and he is suffering from intellectual disability (65%). It is a congenital condition. The petitioner has been looking after his brother. Manikandan is entitled to what is known as “family pension”. The petitioner can draw the same only if he is appointed as guardian under Section 14 of the National Trust Act, 1999 by the local level committee. Since the petitioner has been unable to secure such certificate, the present writ petition has been filed.

3.I am satisfied by going through the materials on record that Manikandan is intellectually disabled and that it is the petitioner as his elder brother who is taking care of him in his capacity as guardian. Declaration as sought for can be granted in writ proceedings also. The writ petitioner herein (S.Karthikeyan, S/o.Late Selvaraj) is declared as legal guardian of



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Thiru.S.Manikandan, S/o.Late Selvaraj. The petitioner is entitled to withdraw the monthly pension credited in the bank account of S.Manikandan. However, the lump sum pensionary benefits will have to be kept in a fixed deposit in a nationalized bank. The petitioner can withdraw only the accrued interest once in three months. The petitioner is directed to expend the entire monthly pension amount for the benefit and welfare of Manikandan. The second respondent shall cause visits to be made through the aegis at the local level committee once in six months to verify the well-being of Manikandan. The petitioner shall furnish the details of the house wherein Manikandan is residing. It is open to the first respondent also to satisfy themselves in this regard.

4.The writ petition is allowed on these terms. No costs.

06.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The District Collector,
Madurai District,
Madurai.



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G.R.SWAMINATHAN, J.

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