



W.P.No.6882 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.6882 of 2025

VANAMAYIL

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
KANCHIPURAM DISTRICT,
KANCHIPURAM.
2. THE WELFARE OFFICER,
DISTRICT DISABLED REHABILITATION OFFICE,
COLLECTORATE, KANCHIPURAM DISTRICT.
KANCHIPURAM.
3. MEDICAL BOARD OF PERSONAL DISABILITIES,
GOVERNMENT HEADQUARTERS HOSPITAL,
CHENNAI.
4. THE SPECIAL COMMISSIONER OF DISABILITIES,
CHENNAI.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to appoint the petitioner as Guardian for her Second Daughter namely S.Meena, Female aged about 33 years, daughter of late Sagayam, No.37 (1), Bajanai Koil Street, Keezhragunathapuram, Mangadu, Kanchipuram-600122, based upon the petitioner's representation dated 19.12.2024.



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For Petitioner : Mr.S.Gopinath
For R1 to R4 : Mr.S.Senthil Murugan
Special Government Pleader

ORDER

This writ petition has been filed with a prayer to direct the respondents to appoint the petitioner as Guardian for her second daughter namely S.Meena, Female aged about 33 years, daughter of late Sagayam, No.37 (1), Bajanai Koil Street, Keezhragunathapuram, Mangadu, Kanchipuram-600122, based upon the petitioner's representation dated 19.12.2024.

2. The case of the petitioner is that the said daughter has been identified as having a mental disability from the age of 10 onwards. A certificate has also been issued indicating the percentage of mental retardation as 75%. Therefore, the petitioner seeks herself to be appointed as the guardian.

3. The matter is no longer res integra. This Court speaking through Hon'ble Mr.Justice G.R.Swaminathan in the matter of ***G.Babu Vs. The District Collector and others in W.P.(MD) No. 18042 of 2022***, has settled the issue by considering the difficulties faced by these kind of persons in detail



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and after considering all the relevant judgments in this regard, held that irrespective of minor deviations in the percentage of disability, when the persons come within the category of severe suffering, a guardian can be appointed. Paragraph No. 16 of the judgement is extracted hereunder for ready reference:-

“16. The petitioner's sister is suffering from 60 % disability. As per the definition in the 1999 Act, only if the person is suffering with more than 80 % disability, it will come under the severe category. It has already been noted that the concept of severe disability has been given up in the 2016 Act. The materials on record clearly indicate that the petitioner's sister is suffering from benchmark disability. A case for appointing guardian has been clearly made out. In this view of the matter, the order impugned in this writ petition is set aside. The first respondent is directed to appoint the petitioner as guardian for his sister Ms.G.P.”

4. In view thereof, this writ petition is ordered on the following terms:-

(i) The second respondent is hereby directed to take steps and pass orders appointing the petitioner as a guardian within a period of six weeks from the date of receipt/production of the website uploaded copy of this order without awaiting for the certified copy of the order.



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(ii) Needless to mention that the petitioner shall comply with the procedural requirements, if any, and the second respondent shall ensure that these procedural requirements do not result in the petitioner being relegated from pillar to post.

(iii) Every effort must be made and the second respondent as well as the other officers, shall empathetically be alive to the situation, ensuring that within six weeks from the date of the receipt/production of the order, the petitioner should be appointed as the guardian. The compliance of procedural requirements cannot be a matter for further delays.

(iv) No costs.

27.02.2025

Neutral Citation: Yes/No
nsl



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To
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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