



W.P. No. 5278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. No. 5278 of 2025

P. Nachi Muthu

.. Petitioner

Versus

- 1.The State of Tamil Nadu,
Represented by the Secretary of Health and Family Welfare,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
No.62, Rajaji Salai,
IV Floor, Chennai – 600 001.
- 3.The Thasildhar,
Ayanavaram Taluk,
Palli Arasan Street, Anna Nagar,
Chennai – 600 102.
(Near Kilpauk Pumping Station)
- 4.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Fore Shore Estate, Chennai.
- 5.The Sub Registrar,
No.340, Paper Mills Road, Jagannathan Colony,
Perambur, Chennai, Tamil Nadu – 600 011.

6.N. Akilandeshwari

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring and appointing the petitioner as the “Guardian” of “Mr. No. Prem Kumar”, to manage the Person and Properties and to take legally binding decisions on behalf of “Mr. N. Prem Kumar”, including the power to sell Subject Property i.e., Plot bearing No.7 and Door No.4, measuring a total extent of 1980 sq.ft, situate at Balaji Nagar 1st Cross Street, Kolathur, Chennai – 600 099, and comprised in Survey No.137/6 Part, Patta No.1207, as per Patta S. No. 137/6A1A1E of Kolathur Village, Perambur-Purasawalkam Taluk, now Ayanavaram Taluk, Chennai District, within the jurisdiction of the Greater Chennai Corporation, together with the Building and other amenities in the said plot as the “Guardian” of “Mr. N. Prem Kumar”.

For Petitioner : Mr. R. Venkat Raman
For Respondents : Mr. E. Sundaram, for R1
Government Advocate
Mr. V. Manoharan, for R2 to R5
Additional Government Pleader

ORDER

The prayer in the writ petition is to declare and appoint the petitioner as “Guardian” of Mr. N. Prem Kumar, to manage the person and properties and to take legally binding decisions of Mr. N. Prem Kumar, including the power to sell Subject Property i.e., Plot No.7, Door No.4, measuring a total extent of 1980 sq.ft, situate at Balaji Nagar, 1st Cross Street, Kolathur, Chennai – 600 099 and comprised in Survey No.137/6 Part, Patta No.1207, as per Patta S.No. 137/6 A1A1E of Kolathur Village, Perambur-Purasawalkam Taluk, now Ayanavaram



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Taluk, Chennai District, within the jurisdiction of the Greater Chennai Corporation, together with the building and other amenities in the said plot as the “Guardian” of Mr. N. Prem Kumar.

2. The grievance of the petitioner is that, Mr. N. Prem Kumar is the son of the petitioner and the sixth respondent in the writ petition. While so, from the year 2017, he became ill and he was diagnosed of “Meningoencephalitis”. Thereafter, his condition worsened and he is now in a vegetative state. The petitioner and the sixth respondent are only taking care of their son. The latest medical report shows that the patient does not ask for food, does not communicate and remain sick in bed, on urinary catheter. He cannot turn in bed or sit up.

3. In view of the said situation, this Court is convinced that the petitioner is in a vegetative state.

4. Mr. E. Sundaram, learned Government Advocate takes notice on behalf of the first respondent and Mr. V. Manoharan, learned Additional Government Pleader takes notice on behalf of the respondents 2 to 5 and would submit that



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since the said patient who is in Kolathur, Chennai and since all the reports are given only by the private hospital, in the normal course, this Court can direct the person to be produced before the Medical Board.

5. But in this case, it can be seen that the petitioner is on Tracheostomy and hospitalisation would result in infection. When there is no other claim of any public property or any third persons right are involved, now the petitioner as a father want to declare him as a Guardian only to take care of his affairs. The property purchased in the name of the said person has to be sold for the expenses of the son only. In this regard, the matter has since been settled by this Court in several judgments. One such order is also produced before this Court in W.P.No.28262 of 2024 (*Mrs.Anitha Swaminathan v. The Government of Tamil Nadu and Other*).

6. In view thereof, since I am convinced of the need that the petitioner be declared as a Guardian and the fact that they are in genuine need of funds for selling the said property, this Writ Petition is disposed of on the following terms:

i) the petitioner is appointed as Guardian of the aforesaid

Mr. N. Prem Kumar, to manage his person and properties and all



the decisions that are taken by the petitioner will be deemed to be as that of the decision of the said N. Prem Kumar himself.

ii) The petitioner-Guardian can also sell the properties that is mentioned in Plot bearing No.7 and Door No.4, measuring a total extent of 1980 sq.ft, situate at Balaji Nagar 1st Cross Street, Kolathur, Chennai – 600 099, and comprised in Survey No.137/6 Part, Patta No.1207, as per Patta S. No. 137/6A1A1E of Kolathur Village, Perambur-Purasawalkam Taluk, now Ayanavaram Taluk, Chennai District, within the jurisdiction of the Greater Chennai Corporation, together with the Building and other amenities in the said plot.

iii) The petitioner shall also administer all the movable properties and operate such bank accounts.

iv) A copy of this order is forwarded to the High Court Legal Services Authority. The petitioner-Guardian shall submit the accounts once in six months before the High Court Legal Services Authority and the High Court Legal Services authority shall scrutinise the same and whether the amounts are properly spent in care of the said person who is said to be in the vegetative state.



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WEB COPY 7. There shall be no order as to costs.

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Index : Yes/No

Neutral Citation : Yes/No

AT

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D. BHARATHA CHAKRAVARTHY, J.

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