



W.P.No.9275 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9275 of 2025

1. Mrs. S. Jayakodi, (F/64),
W/o P. Sivasubramaniyan,
No. 20/26C; Kavery nagar,
Railady, Mayiladuthurai - 609003.

2. Mrs. S.Angu Lavanya Devi, (F/44)
D/o P. Sivasubramaniyan,
No. 38, 3rd main, 10th C main,
Jayanagar 1st block,
Bangalore south, Jayangar,
III block, Bangalore south, Bengaluru,
Karnataka - 560011.

3. Mr. S. Angu Balaji (M/42),
S/o P. Sivasubramaniyan
No.5, Gangadeeshwarar Koil Street,
Gangadeeshwarar Koil, Purasaiwalkkam,
Flowers road, Chennai- 600084.

... Petitioner

/versus/

1. The State of Tamil Nadu,
represented By its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai- 600 009.

2. The District Collector,

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Akalur, Maayavaram,
Mayiladuthurai- 609001.

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3. The Dean Government Hospital,
Mayiladuthurai – 609001.

4. The Tahsildar,
Mayiladuthurai Taluk office,
Mayiladutdiurai.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of declaration, declaring 1st petitioner as the guardian of Mr.P.Sivasubramaniyan of the movable and immovable assets and estate of Mr.P.Sivasubramaniyan with the 2nd and 3rd respondents holding their entitled to deal with the same in accordance with law.

For Petitioner : Mr.T.Balaji

For Respondents : Mr.E.Sundaram,
Government Advocate, R1 to R3
: Mr.V.Manokaran,
Additional Government Pleader, for R2 & R4

ORDER

This writ petition is filed to declare the first petitioner as the guardian of Mr.P.Sivasubramaniyan in respect of his movable and immovable assets and his estate. The first petitioner is the wife of said Mr.P.Sivasubramaniyan. The second petitioner is the daughter and the 3rd petitioner is the son.

2. On a perusal of the medical records that are filed along with the



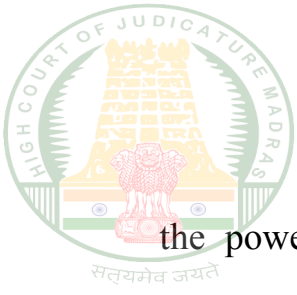
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writ petition, it can be seen that the Medical Board of the Government District Headquarters Hospital, Mayiladuthurai has certified that the said Mr.P.Sivasubramaniyan is suffering from Vascular and Alzheimer's dementia. It is also further stated that he is physically and visually disabled and also has speech and hearing disability disorder and the said disorders are permanent and the condition is only progressive and not likely to improve. Even reassessment is not recommended. Under the circumstances, it is submitted that he is in a vegetative state. It is also seen that the 4th respondent had also conducted enquiry and certified that he is in a coma stage.

3. In view thereof, since the question has already been decided by this Court in the Division bench judgement in *S.Sasikala v. State of Tamil Nadu* (W.A.No.1538 of 2024), the first petitioner is appointed as a guardian for all the person and property of the said Mr.P.Sivasubramaniyan.

(i) The petitioner will be entitled to operate the bank account belonging to the said Mr.P.Sivasubramaniyan and also take possession and take all decisions with reference to his movable properties.

(ii). The petitioner shall also take possession and custody of all the immovable properties belonging to the said Mr.P.Sivasubramaniyan and shall have



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the powers to lease, rent, create encumbrance, sell the properties etc. If any properties are sold and the monies are withdrawn, the same shall be spent in the best interests of the person who is lying in coma.

(iii) Apart from the family and other expenses, funds shall be earmarked for the continuous treatment and upkeep of the said person in the said coma. The petitioner shall file periodical statement of accounts before the District Legal Service Authority, Mayiladuthurai, once in every six months.

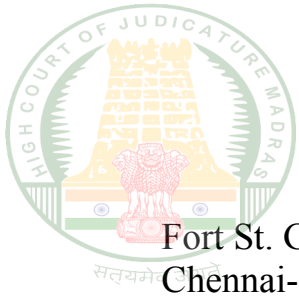
4. With the aforesaid, this Writ petition is disposed of. There shall be no order as to costs.

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Neutral Citation : No.
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To,
Secretary to Government,
Health and Family Welfare Department,

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5. The Government Pleader, High Court, Madras.



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