



W.P.No.10761 of 2025

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**D.BHARATHA CHAKRAVARTHY.J.**

This matter is listed today before this Court under the caption  
“for Being Mentioned”.

2. It is seen that in the appearance portion of the order dated  
16.04.2025 it has been wrongly mentioned as “**Mr.Naresh Babu.K**” instead  
of “**M/s.Naganalini.J**” in the place of learned counsel for the petitioner.

3. The Registry is directed to carryout the necessary amendment and  
issue a fresh order copy.

**09.06.2025**

**dna**



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**D.BHARATHA CHAKRAVARTHY, J.,**

Dna

**W.P.No.10761 of 2025**

**09.06.2025**



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 16.04.2025

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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Mariyammal

.. Petitioner

**Versus**

1. The State of TamilNadu,  
Represented by its Secretary,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George,  
Chennai - 600 001.
2. The District Collector,  
District Collector Office,  
Grand Southern Trunk Road,  
Chengalpattu,  
Tamilnadu - 603 111.
3. The Tahsildar,  
Pallavaram Taluk Office,  
Aishwarya Nagar Phase I, Kurinji Nagar,  
Chrompet, Chennai,  
Tamilnadu - 600 044.



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4. Tharani Jayapal  
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.. Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Declaration declaring the petitioner as the guardian of her son in order to dispose of the property that stands in the name of the petitioner's deceased husband for the purpose of repaying the debts incurred towards the medical treatment of her son that includes hospital stays, medication, surgery and continuing healthcare expenses and also, to meet the expenses which primarily include medication, healthcare, nursing and care taking expenses till the time the petitioner's son recovers from coma.

For Petitioner : Mr.Naresh Babu.K

For Respondents : Mr.E.Sundaram,  
Government Advocate for R1

: Dr.S.Suriya,  
Additional Government Pleader,  
for RR-2 and 3

### **ORDER**

This Writ Petition is filed to declare the petitioner, *Mariyammal*, as the guardian of her son, *Mohanraj*.



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2. The case of the petitioner is that the said *Mohanraj* met with a road accident on 01.01.2024 and he has been in comatose state ever since. The medical records to that effect are annexed along with the typed set of papers. Upon perusal of the medical records, it can be seen that he is actually in a vegetative state.

3. In view thereof, since the matter has already been decided by the Division Bench of this Court in *S.Sasikala Vs. The State of Tamil Nadu and Ors.* (W.A.No.1538 of 2024, dated 23.05.2024), I am of the view that the prayer of the petitioner has to be allowed.

4. In view thereof, this Writ Petition is allowed on the following terms:-

(i) The petitioner is declared as the guardian of her son namely, *Mohanraj* in order to dispose of the property stands in the name of her



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deceased husband namely, *Jayapal*;

(ii) The petitioner will be entitled to operate all his bank accounts on his behalf, including withdrawal of money, operation of fixed deposits, etc., and shall take possession of and administer all his movable properties.

(iii) The petitioner can also act as guardian and shall take possession of and deal with all his immovable properties in any manner whatsoever, including selling, creation of any charge, etc., in respect of the properties.

(iv) The petitioner shall spend the amounts of such sale or dealings with the properties of the said *Jayapal* in the same manner as he would have spent them for the family. However, at least, a portion of the same shall be earmarked for her son's treatment. The petitioner shall periodically file a statement of accounts before the Legal Services Authority, Chennai, every six months.

(v) There shall be no order as to costs.

16.04.2025



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Neutral Citation : no

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grs

To

1. The Secretary,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George,  
Chennai - 600 001.
2. The District Collector,  
District Collector Office,  
Grand Southern Trunk Road,  
Chengalpattu,  
Tamilnadu - 603 111.
3. The Tahsildar,  
Pallavaram Taluk Office,  
Aishwarya Nagar Phase I, Kurinji Nagar,  
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**D.BHARATHA CHAKRAVARTHY, J.**

grs

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