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W.P.No.10210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10210 of 2025

J.Jayalakshmi,
W/o G.Jayaraman,
No.104, Arcot Road,
Virugambakkam,
Chennai 600 092.

.. Petitioner

/versus/

1.The Secretary,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai 600 009.

2.The District Collector,
O/o the District Collector,
Singaravelan Maligai,
Rajaji Salai, Chennai 600 001.

3.The Sub Registrar,
O/o the Sub-Registrar,
Sub Registrar Office,



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Virugambakkam,
Chennai 600 092.

4.The Tahsildar,
O/o the Tahsildar,
Kadambadi Amman Koil Street,
Karpaga Vinayagar Colony,
Valasaravakkam, Chennai 600 087.

5.The Dean,
Government Rajiv Gandhi Hospital,
Poonamallee High Road,
Chennai 600 001.

6.M.Anandhi,
W/o Murali,
No.1A, Azhikandeswarar Nagar,
Thuraipakkam, Karappakkam,
Kancheepuram 600 097.

7.J.Nirmala
D/o G.Jayaraman,
No.103, Rajeswari Colony,
Arcot Road, Virugambakkam,
Chennai 600 092.

8.J.Kumaran,
S/o G.Jayaraman,
No.5, Janaki Nagar,
Arcot Nagar, Valasaravakkam,
Chennai 600 087.

... Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a direction or order or orders in the nature of Declaration declaring me as guardian for the person as well as the properties of my husband Mr.G.Jayaraman, who is currently in a vegetative state.

For Petitioner :Mr.R.Gopinath

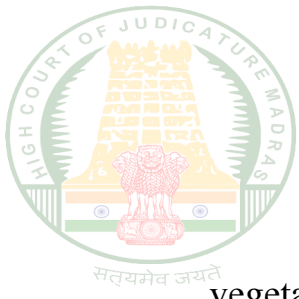
For Respondents :Mr.K.Tippusulthan, GA for R1 and R5
Mr.R.Murthi, GA for R2 and R4
Mr.R.Sasikumar for R3
Mr.S.Santhan for R6 to R8

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ORDER

The prayer in the writ petition is to appoint the petitioner as a guardian for her husband Mr.G.Jayaraman.

2.It is the case of the petitioner that the petitioner's husband Mr.G.Jayaraman initially suffered from brain haemorrhage etc., leading to memory loss. Thereafter, he is also suffered from heart diseases and other diseases. He has also become immobilised and now, he is lying in a



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vegetative state. The medical records in respect of the same person is filed along with the typed set of papers.

3. Upon perusal of the same, this Court is satisfied that the petitioner's husband is in a vegetative state and lying in coma.

4. In view thereof, the petitioner can very well be appointed as a guardian in respect of the person and properties of the said G.Jayaraman. and the petitioner can administer the estate of the said G.Jayaraman in such a manner as if it would be done by the petitioner's husband G Jayaraman. The matter is no longer *res integra* as it has been settled by the Division Bench of this Court in *S.Sasikala v. The State of Tamil Nadu rep.by its Secretary in W.A.No.1538 of 2024 dated 23.05.2024*.

5. In view thereof, this writ petition is allowed on the following terms.

(i)The petitioner is appointed as a guardian in respect of the person and property of the said G.Jayaraman. The petitioner will be entitled to



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operate his bank account and withdraw monies, Fixed Deposit etc. and the petitioner shall also be entitled to take possession and dispose of all the immovable properties belonging to the said G.Jayaraman.

(ii)The petitioner can also administer, take possession, sell, lease or transfer all, or any of the immovable properties of the said G.Jayaraman. If such immovable properties are sold, such portion of the sale consideration shall be earmarked for continuous treatment of the said Jayaraman. Otherwise, the expenditure for the family including the benefit of the children etc., can be made by the petitioner.

(iii)Then, the petitioner shall furnish periodical statement of accounts once in every 6 months to the District Legal Service Authority, Chennai, for verification of the statement of accounts. All the concerned can act on the web copy of the order, without waiting for the certified copy of the order.

No costs.

20.03.2025

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Neutral citation:no

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To

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