



Writ Petition No.20544 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20544 of 2025

1.Eswari.S
W/o.K.Sekar

2.S.Naveen Kumar
S/o.K.Sekar

Petitioners

Vs

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

2. The District Collector,
Namakkal District, 1st Floor,
Main Building, District Collectorate,
Tiruchengode Road, Namakkal 637 003.

3. The District Collector,
Karur District, Sh-874,
First Floor Collector Office,
Karur, Tamil Nadu 639 007.

4. The District Collector,
Trichy District, RM2F+468,
Raja Colony, Tiruchirappalli 620 001.

5. The District Collector,
Ariyalur District, Jayankondam Road, Ariyalur 621 704.



Writ Petition No.20544 of 2025

6. The Dean
Government Medical College Namakkal,
353, Master Plan Complex,
Siluvampatti, Namakkal.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus by appointing the first petitioner as a Guardian of her husband K.Sekar and to permit the first petitioner to protect the interest, administer his bank account and in the event of necessity to sell or mortgage the immovable property standing in the name of her husband K.Sekar and to use the proceed towards treatment of the first petitioner's husband K.Sekar and also towards the education expenses and expenses incurred for maintenance of the petitioner's children i.e., the petitioners 2 and 3.

For Petitioners : Mr.S.Surya
for Mr.A.S.Kailasam
For Respondents : Mr.K.Tippu Sultan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus appointing the first petitioner as the guardian of her husband K.Sekar and to permit the first petitioner to protect the interest, administer the bank account and to sell the properties standing in the name of her husband in order to meet the expenses incurred towards medical treatment and also towards the educational expenses and



Writ Petition No.20544 of 2025

WEB COPY

maintenance of the petitioner and her two children, who are petitioners 2

and 3.

2. Heard Mr.S.Surya, learned counsel for petitioners and Mr.K.Tippu Sultan, learned Additional Government Pleader appearing for respondents.

3. The case of the petitioners is that the first petitioner was married to K.Sekar and through the wedlock, there are two children, who are petitioners 2 and 3 herein. The said K.Sekar was the breadwinner of the family and he owned business in the name and style "Venkateswara Watch".

4. On 29.06.2023 at about 07.30 p.m., while returning back from work, the said K.Sekar fell down unconscious and he was rushed to Vellore Government Hospital. The doctors informed that he suffered from severe head injuries and is in a critical condition. He was advised to undergo multiple surgeries. The said K.Sekar was moved to Kovai Medical Centre and Hospital and ultimately, in spite of the operation being conducted, the said K.Sekar went into a comatose state.



Writ Petition No.20544 of 2025

5. The first petitioner is incurring huge expenditure towards the medical expenses of her husband and also the educational expenses of petitioners 2 and 3. In view of the same, she is in dire need of funds. There are several properties standing in the name of first petitioner's husband and she wanted to deal with the same in order to augment revenue. It is under these circumstances, the present writ petition came to be filed before this Court.

6. A similar issue arose before the Division Bench of this Court in *S.Sasikala vs. State of Tamil Nadu and others [W.A.No.1538 of 2024]*. This writ appeal was disposed of by order dated 23.05.2024. The Division Bench took note of the Division Bench judgment of the Kerala High Court and also the order passed by the learned Single Judge in W.P.No.4370 of 2022 dated 06.07.2022. After considering the facts and circumstances of the case, the writ appeal was disposed of in the following terms:

"8. In this view of the matter, the order impugned in the writ appeal dated 23.04.2024 in W.P.No.11314 of 2024 is set aside and the following directions are issue:

- (a) The appellant herein is appointed as the guardian for the person as well as properties of Thiru.M.Sivakumar, husband of the appellant.



WEB COPY

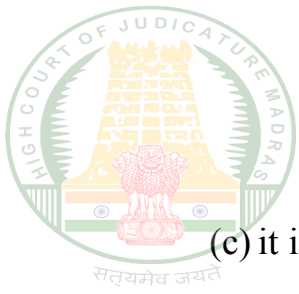


Writ Petition No.20544 of 2025

- (b) It is stated that the immovable property bearing No.80, Waltax Road, Chennai-600 003 belongs to Thiru.Sivakumar. The appellant is permitted to deal with the property on behalf of Thiru.Sivakumar. We are not sure about the valuation of the property. We conservatively assume that it may fetch more than a Crore of rupees. The appellant has to ensure that a sum of Rs.50 lakhs is deposited in a nationalized bank in the name of Thiru.M.Sivakumar. The deposit amount will fetch interest and the accrued interest can be withdrawn by the appellant once in three months. Fixed Deposit so created shall remain till the life time of Thiru.Sivakumar. After his demise, it will go in three equal shares in favour of his legal heirs viz., wife S.Sasikala, daughter S.Durga Devi and son S.Akash. We have incorporated such a condition only for the benefit of the family. Only if there is a fixed deposit, it will ensure that at least the survival needs are met.
- (c) The appellant is directed to file an affidavit before the Registry of this Court indicating the compliance of the direction to create Fixed Deposit in the name of Thiru.Sivakumar to the tune of Rs.50 lakhs (Rupees Fifty Lakhs only)."

7. In the considered view of this Court, the above order passed by the Division Bench can be followed in the present case also and accordingly, this writ petition is disposed of in the following terms:

- (a) the first petitioner is appointed as the guardian for the person as well as the properties of Mr.K.Sekar, the husband of the first petitioner;
- (b) the first petitioner is permitted to operate the bank account of her husband in her capacity as the guardian;



Writ Petition No.20544 of 2025

WEB COPY

(c) it is stated that the immovable properties registered as (i) Doc.No.2511

of 2012 on the file of SRO, Paramathi; (ii) Doc.No.2724 of 2021 on the file of SRO, Vellore; (iii) Doc.No.2104 of 2023 on the file of SRO, Vellore; and Doc.No.5750 of 2022 on the file of SRO, Paramathi, stands in the name of the first petitioner's husband and they are permitted to be dealt with by the first petitioner. Learned counsel for the petitioners, on instructions, has informed the Court that the tentative market value that the properties will fetch will be Rs.20,39,000/-. In view of the same, a sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] shall be deposited in the Fixed Deposit before the Lakshmi Vilas Bank, Velur Branch, Namakkal. The accrued interest is permitted to be withdrawn by the first petitioner once in three months to meet the medical expenses of the first petitioner's husband. The remaining amount that is fetched on sale of the immovable property shall be deposited in the Savings Bank account which stands in the name of the first petitioner's husband at Lakshmi Vilas Bank, Velur Branch, Namakkal and it can be utilized to meet the family expenses and educational expenses of petitioners 2 and 3;

(d) the first petitioner is directed to submit the accounts of the income and expenditure incurred before the Registry of this Court once in six



Writ Petition No.20544 of 2025

months and the same shall be put up along with the main bundle;

(e) if the first petitioner is in need of more funds to meet the expenditure and wants to deal with the other immovable properties, it is left open to the first petitioner to approach this Court and file a petition and seek for necessary permission.

(f) the first petitioner is directed to file an affidavit before the Registry of this Court indicating the compliance of the directions issued by this Court to create Fixed Deposit in the name of her husband to the tune of Rs.15,00,000/-.

This writ petition is disposed of in the above terms. No costs.

11.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



Writ Petition No.20544 of 2025

N.ANAND VENKATESH, J

WEB COPY

gm

To

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

2. The District Collector,
Namakkal District, 1st Floor,
Main Building, District Collectorate,
Tiruchengode Road, Namakkal 637 003.

3. The District Collector,
Karur District, Sh-874,
First Floor Collector Office,
Karur, Tamil Nadu 639 007.

4. The District Collector,
Trichy District, RM2F+468,
Raja Colony, Tiruchirappalli 620 001.

4. The District Collector,
Ariyalur District, Jayankondam Road,
Ariyalur 621 704.

5. The Dean
Government Medical College Namakkal,
353, Master Plan Complex,
Siluvampatti, Namakkal.

Writ Petition No.20544 of 2025

11.06.2025

(2/2)