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WP No. 18716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 18716 of 2025

MADURABASHINI

W/o.Venkateshwaran,

No.30, AGV Plots, Phase- 3,

Sathuvachari, Vellore District.

Petitioner(s)

Vs

The Authorized Person

The State Mental Health Authority -

Tamil Nadu,

Institute of Mental Health Campus,

Medavakkam Tank Road,

Kilpauk, Chennai District.

Respondent(s)

PRAYER

Writ of Petition filed under Article 226 of the Constitution of India to direct the respondent to consider the application filed by the petitioner U/s.14 of Tamil Nadu Mental Healthcare Act, 2017 based on the application dated 18.03.2025 and pass.



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For Petitioner(s): M/s.S.Chandrasekar
N.Jeyaram Sidharath
M.Nawaz Ibrahim
S.Sarath Kumar
D.Sriram

For Respondent: Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to consider the application given by the petitioner under Section 14 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (*hereinafter referred to as the "Act"*) wherein the petitioner is seeking for appointing her as a guardian to take care of her sister, who is a mentally disabled person.

2. Heard Mr.S.Chandrasekar, learned counsel for the petitioner and Mr.E.Veda Bagath Singh, learned Special Government Pleader for respondent.

3. The case of the petitioner is that she is a home maker and that she is taking care of her sister viz., Sundari, who is a mentally disabled person for



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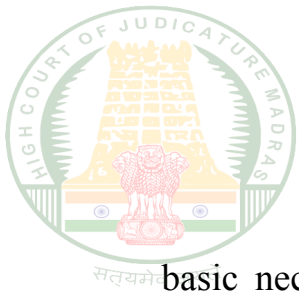
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the last five decades. There are several properties standing in the joint names of the sisters and other family members. In order to meet the basic necessities and the medical expenses, the petitioner wanted to deal with the property and hence, submitted an application before the respondent under Section 14 of the Act to appoint her as a guardian. Since the same did not evoke any response, the present writ petition has been filed before this Court.

4. In the considered view of this Court, Section 14 of the Act, deals with appointment of guardianship. The provision makes it clear that any relative can make an application to the Local Level Committee for appointment of a person as a guardian for persons suffering with disability. The Local Level Committee on receipt of the application will process and decide the application under Sub Section (1) & (2) of Section 14 of the Act and make its recommendation.

5. The Act itself provides for the manner in which the application has to be submitted before the Local Level Committee.

6. Considering the nature of grievance expressed by the petitioner and also considering the fact that the petitioner has been taking care of her sister for decades together and the petitioner wants to deal with the property to meet the



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basic necessities and the medical expenses, there shall be a direction to the petitioner to submit a fresh application both physically as well as through on-line made under Section 12 of the Act r/w Regulation 6 (i) of the Board of Trust Regulations, 2001 in Form A by paying the necessary registration fees. On receipt of the same, the application shall be placed before the Local Level Committee which shall conduct the enquiry and take a decision strictly in line with the Act and Regulations, within a period of eight weeks from the date of receipt of a copy of the application from the petitioner.

7. This writ petition is disposed of with the above directions. No costs.

03-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.ANAND VENKATESH J.

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