



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 18994 of 2025

1.T.S.Seethalakshmi

2.Vignanam

3.Renuka

4.Rajesh Kumar

5.Dinesh

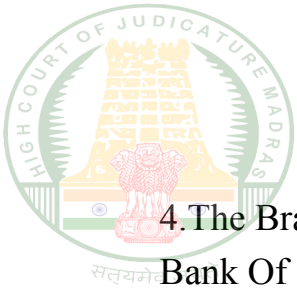
Petitioner(s)

Vs

1. The District Collector
District Collector Office,
Coimbatore District

2.The Tahsildar
Thelugupalayam,
Coimbatore South,
Coimbatore District

3.The District Social Welfare Officer
Social Welfare Department,
Coimbatore,



4. The Branch Manager

Bank Of India,

Perur Branch,

Coimbatore District.

5. The Dean,

Coimbatore Government Medical

College and Hospital,

Coimbatore.

Respondent(s)

(R5 Suo Motu Impleaded Vide Order Dated 23.05.2025 made in WP.No.18994/2025)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the 1st and 4th petitioners being the wife and brother of the Mr. Vinoth Kumar in comatose state as 'Guardian' for operating his bank account and to deal with his properties.

For Petitioner(s): Mr. S. Sureshkumar

For Respondent(s): Mr.E.Sundaram
Government Advocate
for R1, R2, R3 and R5



ORDER

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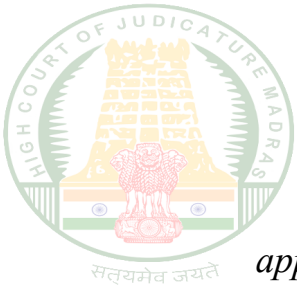
This writ petition has been filed for appointment of the 1st and 4th petitioners as guardian of one Vinoth Kumar who is said to be in a comotose state in order to enable them to operate the bank account and to deal with the properties.

2. When this writ petition came up for hearing on 23.05.2025, this Court passed the following order:

The Dean, Coimbatore Government Medical College and Hospital, Coimbatore, is suo motu impleaded as respondent No.5.

2. Registry is directed to carry out necessary amendment in the cause-title.

3. The case of the petitioners is that one Vinoth Kumar, who happens to be the husband of the first petitioner, has been in a comatose condition. Since there is no provision of law under which a guardian can be appointed for a comatose patient, the petitioners have moved the present writ petition.



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4. *A Division Bench of this Court has directed that, for appointment of guardian for a comatose patient, a writ petition is maintainable – See, (2024) 3 CTC 639. However, they have directed that, before a conclusion is arrived at by the Court, reports must be received from (i) the jurisdictional Tahsildar as to who is taking care of the comatose patient; and (ii) the Medical Board of the local area as regards the medical condition of the comatose patient.*

5. *Accordingly, the newly impleaded respondent No.5, for whom Mrs.Sneha takes notice, shall form a Medical Board to inspect Mr.Vinoth Kumar, who is residing at No.5, Karpagam Garden, Thelugupalayam, Coimbatore South, Coimbatore-641 039 and shall submit a report to this Court by 10.06.2025. In the mean time, the Tahsildar, Thelugupalayam, shall conduct a local enquiry and shall also submit a report to this Court as to who is taking care of the comatose patient.*

Call on 10.6.2025.

3. When the writ petition was taken up for hearing today, the report of the Medical Board was placed before this Court and the findings of the Medical Board is extracted hereunder:



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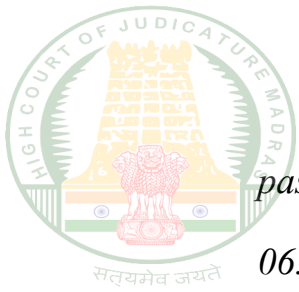


Awake
Not Obeying
Not responding to commands
Spastic Quadriplegia

4. It is quite evident from the above report that the 1st petitioner's husband viz., Vinodh Kumar is virtually in vegetative state and hence, this Court is inclined to consider the request made by the petitioners. It is also brought to the notice of this Court that the 2nd petitioner who is the father of the said Vinodh Kumar died during the pendency of this writ petition.

5. This Court had an occasion to deal with a similar issue in W.P.No.20544 of 2025 and disposed of the writ petition by issuing necessary directions on 11.06.2025 and the relevant portions are extracted hereunder:

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



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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.

(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



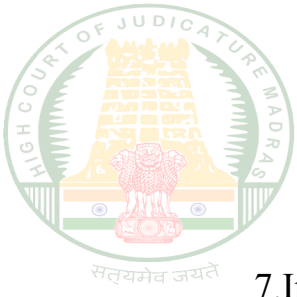
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be withdrawn by the appellant once in three months. Fixed Deposit so created shall remain till the life time of Thiru.Sivakumar. After his demise, it will go in three equal shares in favour of his legal heirs viz., wife S.Sasikala, daughter S.Durga 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)."

6.In the considered view of this Court, the said Vinoth Kumar is not in a position to take care of himself and he is virtually in vegetative state. Therefore, guardian will have to be necessarily appointed to deal with the bank account and also to deal with the properties in order to spend for the medical expenditure and the family expenditure.



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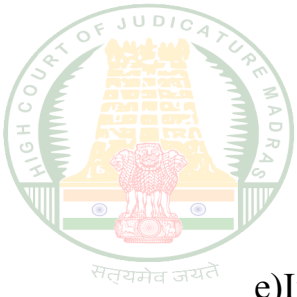
7. In the light of the above discussion, this writ petition is disposed of in the following terms:

a) The 1st petitioner who is the wife and the 4th petitioner who is the brother are appointed as the guardian of Vinoth Kumar.

b) The 1st and 4th petitioners are permitted to operate the bank account of the said Vinoth Kumar.

c) The 1st and 4th petitioners are permitted to deal with the immovable properties in order to meet the medical expenses and also the family expenses of the family.

d) The 1st and 4th petitioners are directed to submit the account to the Registrar General, High Court of Madras once in three months reflecting the receipts and payment and the same shall be made part of the case file and



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e) If the 1st and 4th petitioners require any further directions to be issued in future, it is left open to them to approach this Court and seek for clarification.

No Costs.

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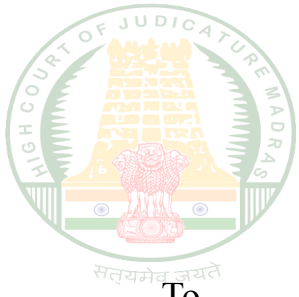
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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District Collector Office,
Coimbatore District
2. The Tahsildar
Thelugupalayam,
Coimbatore South,
Coimbatore District
3. The District Social Welfare Officer
Social Welfare Department,
Coimbatore,
4. The Branch Manager
Bank Of India,
Perur Branch,
Coimbatore District.
5. The Dean,
Coimbatore Government Medical
College and Hospital,
Coimbatore.
6. The Registrar General,
High Court of Madras.



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N.ANAND VENKATESH J.

SSR

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