

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 30069 of 2025

AND

WMP NO. 33694 OF 2025

1. N.Preethi
D/o.Late.Dr.S.Neelamani,
Rep. By Her Next Friend / Mother
N.Latha, 2/17, Kalamegam Street,
Punjai Puliamatti-638 459,
Sathyamangalam Taluk, Erode
District.

Petitioner(s)

Vs

1. The Local Level Committee
For The Persons With Autism,
Cerebral Pulsy, Mental,
Retardation And Multiple
Disabilities, Rep. By Its Chairman
/ District Collector, Collectorate,
Erode-638 011, Erode District.

2.The Commissioner
The State Commissionerate For
Welfare Of The Differently Abled,
5 Kamaraj Salai, Lady Wellington
College Campus,
Chennai-600 005.

3.The District Medical Board,



Government Head Quarters
Hospital, Erode-638 001, Erode
District.

WEB COPY

Respondent(s)

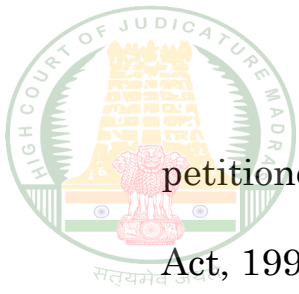
PRAYER

Writ filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the 1st respondent to appoint the petitioner as a guardian for the petitioners daughter / N.Preethi, aged 35 years, who is suffering from severe intellectual disability by considering petitioners application dated 03.06.2025 made in Form a filed under Sec.14(1) of the National trust Act, 1999 or directly appoint the petitioner as guardian after getting a medical report on petitioners daughter in this writ petition by exercising parens patriae jurisdiction.

For Petitioner(s): Mr.N. Manokaran
For Respondent: Ms.P.Aishwarya
Government Advocate for R1
and R2
Mr.E.Sundram
Government Advocate for R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to appoint the petitioner as the guardian of her daughter, who is suffering from 'severe intellectual disability' based on the application submitted by the



petitioner on 03.06.2025 under Section 14(1) of the National Trust Act, 1999.

WEB COPY

2. Heard Mr.N.Manokaran, learned counsel for the petitioner and Ms.P.Aishwarya, learned Government Advocate for respondents 1 and 2 and Mr.E.Sundaram, learned Government Advocate for 3rd respondent.

3. The present writ petition has been filed by the daughter represented by her mother, who is the guardian. The petitioner lost her husband on 17.04.2025 and thereafter, she is taking care of her daughter, who is suffering from 'severe intellectual disability' (mean DQ:26) as assessed by the clinical psychologist of Super Speciality Hospital.

4. The grievance of the petitioner is that her daughter is incapable of taking any decisions and there are certain shares in the landed properties belonging to the petitioner's husband and her great grand father and the petitioner has to necessarily deal with these properties in order to augment income to take care of her daughter. In view of the same, the petitioner seems to have submitted an



application before the 1st respondent. Since the same was not acted upon, the present writ petition has been filed before this Court.

WEB COPY

5. This Court had an occasion to deal with a similar issue in WP No.20544 of 2025 in *[Eswari and other Vs. The Secretary, Health and Family Welfare Department, Chennai and others]* dated 11.06.2025. 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 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

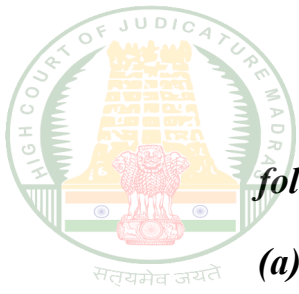


WEB COPY

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;

(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

WEB COPY



WEB COPY



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 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/-.

6. Taking into consideration the facts and circumstances of the case and also the assessment made by the clinical psychologist to the effect that the petitioner's daughter is suffering from severe intellectual disability, which disables her from taking any decisions for herself, this Court is inclined to appoint the petitioner as the



guardian of her daughter to deal with the properties (movable and immovable).

WEB COPY

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

(a) Smt. N.Latha is appointed as the guardian for the person as well as the properties of N.Preethi D/o.Dr.S.Neelamani.

(b) The said Smt.N.Latha is permitted to deal with the movable and immovable properties belonging to her daughter N.Preethi or wherever she has a share over the properties.

(c) The said Smt.N.Latha is permitted to open a separate bank account for the purpose of deposit and withdrawal of money exclusively with respect to the properties/shares of the said N.Preethi.

(d) Smt.N.Latha is directed to file the statement of accounts once in six months before the Registry showing the income and expenditure incurred towards upkeep of her daughter N.Preethi and towards the expenses spent for the family and such report shall form part of the case bundle.



WP No. 30069 of 2025



No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

11-08-2025

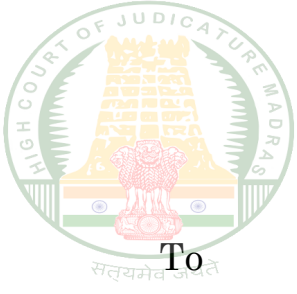
rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

WEB COPY

1.The Local Level Committee
For The Persons With Autism,
Cerebral Pulsy, Mental,
Retardation And Multiple
Disabilities, Rep. By Its Chairman
/ District Collector, Collectorate,
Erode-638 011, Erode District.

2.The Commissioner
The State Commissionerate For
Welfare Of The Differently Abled,
5 Kamaraj Salai, Lady Wellington
College Campus, Chennai-600
005.

3.The District Medical Board,
Government Head Quarters
Hospital, Erode-638 001, Erode
District.



WEB COPY

WP No. 30069 of 2025



N.ANAND VENKATESH J.
rka

WP No. 30069 of
2025
WMP NO. 33694 OF
2025

11-08-2025