



WEB COPY

WP No. 35680 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 35680 of 2025

1. S.Kalavathy

2.S.Narvekar

3.S.Dhaksha

Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by The Principal Secretary to Government,
Health and Family Welfare Department,
D.No. 1, Beach Road, State Secretariat,
Fort St.George, Chennai - 600009

2.The District Collector,
D.No. 1, Vandhavasi Road,
Kancheepuram Collectorate,
Kancheepuram Taluk, District - 631 501.

3.The Tahsildar,
Tahsildar Office, D.No. 1, Sriperumbudur Taluk,
Kancheepuram District - 602 105.

4.The Chief Medical Officer,
D.No. SH 57, Government Hospital,
Sriperumbudur, Kancheepuram District - 602 105.



5.The Branch Manager,
Indusind Bank, Sriperumbudur,
No. 87 Gandhi Road,
Kancheepuram District - 602 105.

6.The Branch Manager,
Union Bank, Sriperumbudur, No. 03 Main Road,
Kancheepuram District - 602 105.

7.The Branch Manager,
HDFC Bank, Sriperumbudur, No. 09 Gandhi Road,
Kancheepuram District - 602 105.

8.The Branch Manager,
Federal Bank, Sriperumbudur,
No. 94 Gandhi Road,
Kancheepuram District - 602 105.

9.The Branch Manager,
Karur Vysya Bank, Sriperumbudur No. 122,
Gandhi Road, Kancheepuram District - 602 105.

10.The Branch Manager,
State Bank Of India, Sriperumbudur No. 283,
Gandhi Road, Kancheepuram District - 602 105.

Respondent(s)

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Declaration for guardian of petitioner husband Savaringam is in a Comatose Condition presently in a vegetative state of mind if any hold in the name of Savaringam giving right to petitioner son second petitioner administer business and bank accounts and all the petitioners to be granted the right to sell or modified to the movable and immovable property.



For Petitioner(s): Ms.S.J.Archana B. Harathi
for Mr.M.Dominic Edward

For Respondent(s): Mr.E.Sundaram
Government Advocate for R2 & R4
Mrs.S.Anitha
Special Government Pleader for R1 & R3

ORDER

This Writ Petition has been filed for a declaration, declaring the 1st petitioner as guardian of her husband, Savaringam, who is in a “Comatose Condition” and granting right to her son / 2nd petitioner to administer the business and bank accounts, and also for a right to all the petitioners to sell or modify the movable and immovable properties of Savaringam.

2. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the mother and the petitioners 2 & 3 are son and daughter of the 1st petitioner. The 1st petitioner's husband and father of the petitioners 2 & 3, Savaringam has suffered a kind of Type-2 Diabetes, Systemetic Hypertension, Chronic Ethanolic Dependence, Comatose Severe Hypo Glycemic Metabolic Encephalopathy and other health related complications including Kidney



WEB COPY

Disease and Coronary Artery Disease. He has been admitted in Hospital on 06.11.2023 and taking treatment from 07.11.2023 to 13.03.2024, for more than 202 days. The learned counsel would further submit that the 1st petitioner's husband is still in 'comatose state' and 'vegetative condition', found lying on bed with life support and was not responding any painful stimulus. He would further submit that he did not show any meaningful recovery and not in a position to recognize supporting people around him and not in a position to make any signature or perform any other physical activity. Due to which, the petitioners are unable to operate the Bank Account and sell the property to make out the day to day expenditure of Savaringam therefore, they are are finding difficult to give treatment to Savaringam. He would further submit that since the 1st petitioner's husband is sole bread earner of his family, the petitioners are running out financial resources and even to meet their basic needs thereby, the Writ Petition is filed with the above said prayer.

3. The learned counsel appearing for the petitioner would submit that for a person in a Comatose stage, there is no provision for appointing the first petitioner / wife as a guardian under the Hindu Minority and Guardianship Act,



WEB COPY

WP No. 35680 of 20



1956 and the Guardians and Wards Act, 1890, and the petitioner is not able to avail any benefit neither under the the Mental Healthcare Act, 2017 nor under the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, except to approach this Court. The learned counsel further submitted that in the similar situation, this Court passed an order after satisfaction of the medical record, appointing the Clause-I legal heirs of the persons, who is in Comatose Stage to operate the Bank Account and deal with the alienation of the property of the person, who was in comatose stage. Accordingly, he prayed for appropriate relief in this case also.

4. In order to find out whether the 1st petitioner is in comatose stage, this Court, by its order dated 22.09.2025 issued a direction to conduct an examination regarding the 1st petitioner's husband's vegetative status. Pursuant to the order passed by this Court, the Dean, Regional Medical Board, Rajiv Gandhi Government General Hospital submitted a report dated 23.10.2025 and confirmed that the 1st petitioner's husband has locomotor disability of 80% and speech and language disability of 53%.



5. In view of the same, this Court is of the considered view that the 1st petitioner, who is wife of Savaringam, who is presently in a comatose stage can be appointed as guardian and granted the relief as sought for in the Writ Petition. Accordingly, this Court appoints the 1st petitioner as legal guardian of her husband, Savaringam and she is permitted to protect the interest of her husband and even the 1st petitioner, being the wife of Savaringam and the 2nd petitioner, being the son of Savaringam is permitted to operate the Bank Account and all the petitioners are permitted to deal with the movable and immovable properties of Savaringam.

6. Accordingly, this Writ Petition is allowed with the above terms. No costs.

28-10-2025

kkn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
Health And Family Welfare Department,
D.No. 1 Beach Road, State Secretariat,
Fort St. George, Chennai – 600009.

2. The District Collector,
D.No. 1, Vandhavasi Road,
Kancheepuram Collectorate,
Kancheepuram Taluk, District - 631 501.

3. The Tahsildar,
Tahsildar Office, D.No. 1, Sriperumbudur Taluk,
Kancheepuram District - 602 105.

4. The Chief Medical Officer,
D.No. SH 57, Government Hospital, Sriperumbudur,
Kancheepuram District -602 105

5. The Branch Manager,
Indusind Bank, Sriperumbudur,
No. 87 Gandhi Road,
Kancheepuram District 602 105.

6. The Branch Manager
Union Bank, Sriperumbudur No. 03 Main Road,
Kancheepuram District 602 105

7. The Branch Manager,
HDFC Bank, Sriperumbudur No. 09,
Gandhi Road, Kancheepuram District - 602 105.



8. The Branch Manager,
Federal Bank, Sriperumbudur, No. 94 Gandhi Road,
Kancheepuram District - 602 105.

WEB COPY

9. The Branch Manager,
Karur Vysya Bank, Sriperumbudur,
No. 122 Gandhi Road,
Kancheepuram District - 602 105.

10. The Branch Manager,
State Bank of India, Sriperumbudur,
No. 283, Gandhi Road,
Kancheepuram District - 602 105.



WEB COPY

WP No. 35680 of 20



M.DHANDAPANI J.

KKN

WP No. 35680 of 2025

28-10-2025