



Writ Petition No.32255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 25.08.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.32255 of 2025

1. Kavitha Pandurangan
D/o.Pandurangan

2. P.Yamini
D/o.K.Parthiban

3. P.Hariharan
S/o.K.Parthiban

..Petitioners

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. The District Collector,
Vellore District, Vellore.

3. The Tahsildar,
Taluk Office, Vaniyambadi,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the first petitioner Tmt.Kavitha Pandurangan as the Guardian of her husband Mr.K.Parthiban who is in a comatose condition, for operating his bank accounts/investments and



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dealing with and to sell the immovable properties standing in his name for the purpose of protecting his interest and to use the proceeds towards medical treatment and family welfare expenses.

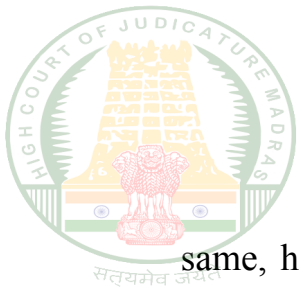
For Petitioners : Mr.L.Chandrakumar
For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed seeking issuance of a writ of declaration to declare the first petitioner, who is the wife of K.Parthiban as his guardian in view of the fact that he is in comatose condition, in order to deal with the movable and immovable properties of K.Parthiban.

2. Heard Mr.L.Chandrakumar, learned counsel for petitioners and Mr.E.Sundaram, learned Government Advocate appearing for respondents.

3. The case of the first petitioner is that she is the legally wedded wife of K.Parthiban and through the wedlock, they were blessed with two children, who are the petitioners 2 and 3. The first petitioner's husband met with an accident on 06.07.2023 and suffered serious head injuries. As a result of the



same, he went into comatose condition. The grievance of the first petitioner is that she is not able to manage the medical expenses and also the education expenses of the children and she also finds it difficult to manage the family and therefore, the first petitioner wanted her to be declared as the guardian of her husband in order deal with the movable and immovable properties to meet all the expenses.

4. This Court had an occasion to deal with a similar issue in W.P.No.20544 of 2025 and by order dated 11.06.2025, the said writ petition was disposed of in the following terms:

"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 Road, Chennai-600 003 belongs to Thiru.Sivakumar. The appellant is permitted to deal with the property on behalf of



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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



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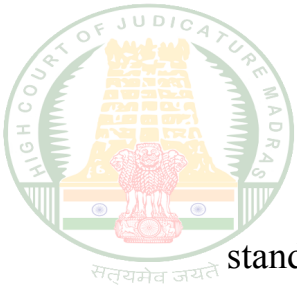
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petitioner's husband. The remaining amount that is fetched on sale of the immovable property shall be deposited in the Savings Bank account which stands in the name of the first petitioner's husband at Lakshmi Vilas Bank, Velur Branch, Namakkal and 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 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/-."

5. Taking into consideration the facts and circumstances of the case and considering the materials placed before this Court, this Court is inclined to follow the above order 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, movable and immovable, of Mr.K.Parthiban, 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) the first petitioner is also permitted to deal with the immovable properties



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standing in the name of her husband K.Parthiban in her capacity as the guardian;

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

(6) months and the same will be put up along with the main bundle;

(e) if the first petitioner is in need of any further clarification, it is left open to the first petitioner to approach this Court and file a petition and seek for necessary clarification.

No costs.

25.08.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. The District Collector,

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3. The Tahsildar,
Taluk Office, Vaniyambadi,
Vellore District.

N. ANAND VENKATESH, J.

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