



W.P.No.40797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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B.Vasugi

... Petitioner

Vs.

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

2.The District Collector,
Thirupathur District,
District Collectorate, Tirupathur.

3.The Tahsildhar,
Vaniyambadi Taluk,
Taluk Office,
Thirupathur District.

4.The Local Level Committee for the Welfare of Persons with Autism,
Cerebral Palsy, Mental Retardation and Multiple Disabilities,
Represented by its Corporation,
The District Collector, Tirupathur,
District Collectorate, Tirupathur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring Mrs.B.Vasugi, the petitioner herein, as guardian of the person and property of his mentally ill and disabled daughter Ms.Sridevi, and permit the petitioner to manage



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and alienate the movable and immovable properties standing in the name of Ms.Sridevi, as morefully set out in the schedule annexed to this petition, for the benefit and welfare of Ms.Sridevi.

For Petitioner : Mr.R.Krishna

For Respondents : Mr.E.Sundaran
Government Advocate [R1]
Mr.P.Ganesan
Additional Government Pleader [R2 to R4]

ORDER

This Writ Petition has been filed by the petitioner seeking a Writ of Declaration, to declare Mrs.B.Vasugi, the petitioner herein, as guardian of the person and property of his mentally ill and disabled daughter Ms.Sridevi, and permit the petitioner to manage and alienate the movable and immovable properties standing in the name of Ms.Sridevi, as morefully set out in the schedule annexed to this petition, for the benefit and welfare of Ms.Sridevi.

2. Mr.E.Sundaran, learned Government Advocate, accepts notice on behalf of the 1st respondent and Mr.P.Ganesan, learned Additional Government Pleader, accepts notice on behalf of the respondents 2 to 4. In view of the consent expressed by the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner married one Sampathy on 02.03.1987 and out of their wedlock, a girl child namely Sridevi was born on 29.08.1988, who was diagnosed with mental retardation at the time of her birth. Since then the mental health condition of the child has been deteriorating. At present, she has been diagnosed with mental retardation and assessed with 80% disability. Due to such high percentage of disability, she is unable to perform any function including day-to-day activities, without support or aid other persons. The petitioner has already been declared as legal guardian of her child and now, she wants guardianship in respect of her property also. Hence, the petitioner has filed this writ petition.

4. Heard both sides.

5. A similar issue has already been dealt with by this Court in W.P.Nos.24258, 32457 and 34288 of 2023, wherein after following the various decisions rendered by various Courts, the prayers sought for therein were allowed by the learned Single Judge of this Court, vide order, dated 30.04.2025, appointing the petitioners therein as guardians of the mentally retarded persons. Following the same, another learned



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Single Judge of this Court, has allowed the writ petition in W.P.(MD)No.20918 of 2025, appointing the petitioner therein, who is the father of the special child.

6. By following the aforesaid orders, this Court declares the petitioner as the legal guardian for the properties of her daughter Ms.Sridevi and the petitioner is directed to furnish an inventory and immovable properties pertaining to the person with disability to the 4th respondent. It is seen that the maternal grandmother of the special child executed a Will dated 27.07.2021, bequeathing the subject property in favour of the special child. The petitioner shall open a bank account in the name of the special child in any one of the nationalized banks and the details of the same shall be furnished to the 4th respondent. The person purchasing the property has to remit the entire sale consideration in the said bank account. The amount shall be invested in an interest bearing account. Once in three months, the petitioner can withdrawn the interest. However, the petitioner is not entitled to withdraw the entire amount till the lifetime of the special child. This arrangement is only for the welfare and maintenance of the special child.



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7. The Writ Petition is allowed in the above terms. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

- 1.The Secretary,
Department of Health and Family Welfare,
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Chennai – 600 009.
- 2.The District Collector,
Thirupathur District,
District Collectorate,
Tirupathur.
- 3.The Tahsildhar,
Vaniyambadi Taluk,
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M.DHANDAPANI, J.

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