



W.P.No.36640 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

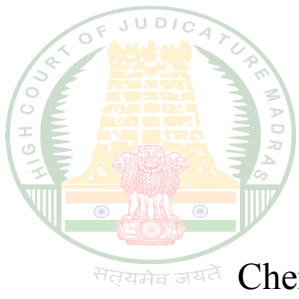
W.P.No.36640 of 2024

Indiraleka

.. Petitioner

Versus

1. State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai - 600 009.
2. District Collector,
Singaravelar Malaigai,
Collectorate Office,
Chennai - 600 001.
3. Tahsildar,
O/o.The Tahsildhar,
Velacherry.
4. Metul Prabhu
5. The District Collector,
O/o.District Collector,



W.P.No.36640 of 2024

Chengalpattu - 603 111.

.. Respondents

WEB COPY

(R4 impleaded vide order, dated 11.12.2024
made in W.M.P.No.40262 of 2024 in W.P.No.36640 of 2024)

(R5 impleaded as per order, dated 13.12.2024
in W.M.P.No.41596 of 2024 in W.P.No.36640 of 2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Declaration, declaring the petitioner as the guardian of her husband namely, R.Prabhu Venkatesh a resident of Casagrande riviera, E-01, No.120 Velachery Tambaram Main Road, Medavakkam, Chennai - 600 100 who is in NONTRAUMATIC ACUTE SUBARACHNOID HEMORRHAGE condition for operating his bank accounts/investments and dealing with movable and immovable properties for the purpose of protecting interest and also appoint the petitioner as the manager of his properties, and to permit the petitioner to sell (1). Vacant Plot belongs to the petitioner husband in document No.449 of 2003 dated 07.02.2003 to an extent of 2334 Sq.ft. situated in Survey No.18/3 at No.57 of Yellakudi Village, (Ayan Nanchai), Thiruverumbur district, Thiruchirapalli on the file of the Sub-Registrar, Thiruverumbur. (2). Vacant land belongs to the petitioner husband in document No.2170 of 1998 dated 22.05.1998 to an extent of 2400 Sq.ft situated in Survey No.265/2B, Plot No.11, layout at "Sampangi Nagar", Thiruninriyur village, Poonamalle Taluk, Thiruvallur on the file of the Sub-Registrar Thirunindravur. (3). Purchased by the petitioner and her husband in document No.1493 of 2010 dated 14.06.2010 a flat No.108, to an extent of 1182 sq.ft, 1st Floor K-block, Keerthi Harmony situated in Survey No.392 and 393 at Kalkere village, K.R.Puram, Hubli, Bangalore, Taluk on the file of the Sub-Registrar Sivaji Nagar, Bangalore (4) The shares held in my husband R.Prabhu Venkatesh. (5) to purchase the property of Skylark Ithaca T10-1101 constructed in the 11th floor of Tower 10 measuring 1011 sq ft, with car parking area and to



W.P.No.36640 of 2024

WEB COPY

sell the said property in future in case of need, and to use the proceeds from the same toward the upkeep and treatment of the petitioner's husband, Prabhu Venkatesh.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.E.Sundaram,
Government Advocate for R1

: Dr.S.Suriya,
Additional Government Pleader,
for RR-2 and 3

ORDER

This Writ Petition is filed with a prayer to declare the petitioner as a guardian of her husband namely, *R.Prabhu Venkatesh*, residing at E-01, No.120, Velachery Tambaram Main Road, Medavakkam, Chennai - 600 100.

2. Upon hearing *Mr.M.Raja Sekhar*, learned Counsel for the petitioner, *Mr.E.Sundaram*, learned Government Advocate for the first respondent and *Dr.S.Suriya*, learned Additional Government Pleader for the respondent



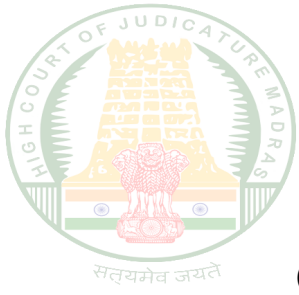
W.P.No.36640 of 2024

Nos.2 and 3 and perusing the affidavit filed in support of the Writ Petition
WEB COPY

and the other material records of the case, it can be seen that the grievance of the petitioner is that her husband is unwell and is currently in a vegetative state of affairs. He has already been referred to the Medical Board which certified so. It has been clearly and categorically stated that the patient is not responding to oral commands and spasticity is there in all four limbs. The patient is having 100% disability on the neurological aspects. In view thereof, this matter is no longer *res integra* as having been decided by the Division Bench of this Court in ***Sasikala Vs. State of Tamil Nadu and Ors.*** in W.A.No.1538 of 2024 by the order, dated 23.05.2024.

3. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The petitioner is declared as the guardian for the person and property of *R.Prabhu Venkatesh*, residing at E-01, No.120, Velachery Tambaram Main Road, Medavakkam, Chennai - 600 100;



W.P.No.36640 of 2024

WEB COPY

(ii) The petitioner is entitled to operate all the bank accounts and take possession, administer and dispose of all the movable properties belonging to the said *R.Prabhu Venkatesh*;

(iii) The petitioner shall take possession and also administer, sell, lease or in any manner deal with the immovable properties of the said *R.Prabhu Venkatesh*;

(iv) The sale proceeds, if any, can be spent in the same manner as if the said *R.Prabhu Venkatesh* will spend for the family, however, some portion has to be earmarked for the treatment of the said *R.Prabhu Venkatesh*;

(v) The petitioner shall also file statement of accounts periodically before the District Legal Services Authority, Chennai once in six months;

(vi) There shall be no order as to costs.

27.03.2025

Neutral Citation : no
grs



W.P.No.36640 of 2024

WEB COPY

1. The Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai - 600 009.
2. The District Collector,
Singaravelar Malaigai,
Collectorate Office,
Chennai - 600 001.
3. The Tahsildar,
O/o.The Tahsildhar,
Velacherry.
4. The District Collector,
O/o.District Collector,
Chengalpattu - 603 111.



WEB COPY



W.P.No.36640 of 2024

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.36640 of 2024

27.03.2025



WEB COPY



W.P.No.36640 of 2024