



W.P.No.37776 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.37776 of 2024

R.Melwin Rajkumar

.. **Petitioner**

Vs.

1.The Government of Tamilnadu
Rep.by its Secretary
Department of Health and Family Welfare
Fort St.George, Chennai – 600 009.

2.The District Collector
Coimbatore District.

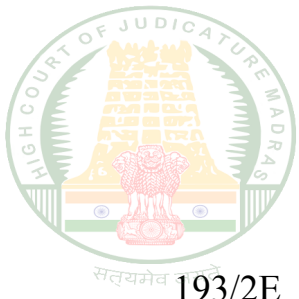
3.The Tahsildar
Coimbatore South Taluk
Coimbatore District.

4.J.Rajaselvan

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to appoint the petitioner as guardian for his mother Mrs. S.Allin Christy, who is in vegetative state and to permit the petitioner to protect the interest, administer the bank account and in the event of necessity to sell or mortgage the immovable property being vacant land measuring 2160 Sq.ft (200.66 Sq.M) comprised in Survey No 193, New subdivision Survey No.

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193/2E presently in Survey No 193 / 2E1A of Sundakamuthur Village, Coimbatore South Taluk, Coimbatore District and to use the proceeds towards the treatment of petitioner's mother Mrs. S. Allin Christy, and pass such further or other orders.

For the Petitioner : Mr.K.S.Harish

For the Respondents : Mr.S.Senthil Murugan
Special Government Pleader
for RR1 to 3
Mr.A.Evangilin for R4

ORDER

The Writ Petition is filed with a prayer to appoint the petitioner as a guardian for his mother Mrs.S.Allin Christy, who is in vegetative state and to permit the petitioner to protect the interest and administer the bank account, in the event of necessity to sell or mortgage the immovable property being a vacant land measuring 2160 Sq.ft (200.66 Sq.M) comprised in Survey No 193, New subdivision Survey No. 193/2E presently in Survey No 193 / 2E1A of Sundakamuthur Village, Coimbatore South Taluk, Coimbatore District.

2. On a perusal of the affidavit filed in support of the Writ Petition and upon hearing the learned counsel for the petitioner and considering the records of

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the case, it can be seen that the petitioner's mother had a severe head injury and was operated on 10.01.2021. She continues to be on tracheostomy. Therefore, she is not in a position to move or take care of herself in any manner whatsoever and also not in a position to sign any documents and continues to be in a vegetative state. The 4th respondent is the father of the petitioner. Under these circumstances, for her medical expenses and other needs, it is necessary to operate her bank account as well as depending on the necessity to sell or mortgage the immovable property belonging to her. For that purpose, the petitioner is seeking to be appointed himself as a guardian.

3. The matter is *no longer res integra* and a Division Bench of this Court in W.A.No.1538 of 2024 has already settled the issue thereby holding this Court under Article 226 can appoint the guardian for the limited purposes.

4. In view thereof, this Writ Petition stands allowed on the following terms:-

(i) the petitioner herein is appointed as the guardian for the person as well as the properties of the said Allin Christy, the mother of the petitioner;

(ii) the petitioner will be permitted to operate the bank account belonging to the said Allin Christy as her guardian and operate the same in all manner



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whatsoever;

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(iii) the petitioner will also be entitled to mortgage or sell the immovable property being the vacant land measuring 2160 Sq.ft (200.66 Sq.M) comprised in Survey No 193, New subdivision Survey No. 193/2E presently in Survey No 193 / 2E1A of Sundakamuthur Village, Coimbatore South Taluk, Coimbatore District, belonging to the said Allin Christy;

(iv) the petitioner shall ensure that the adequate amounts are spent and reserved for taking care of the said Allin Christy and the petitioner shall file the periodical statement of accounts once in every six months before the District Legal Services Authority, Coimbatore District;

(v) No costs.

11.03.2025

Neutral Citation : No

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To
1.The Secretary
Government of Tamilnadu
Department of Health and Family Welfare
Fort St.George, Chennai – 600 009.

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2.The District Collector
Coimbatore District.

3.The Tahsildar
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