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W.P. No.42746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.42746 of 2025

1. R. Suganthini
2. R. Deekshana
3. Minor Rokshana Rajendran
Rep. By next friend cum mother
R. Suganthini

... Petitioners

vs.

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

2. The District Collector,
Chennai District.

3. The Tahsildar,
No.1, 1st Cross Street,
New Kumaran Nagar,
Sholinganallur Taluk.

4. The Dean,



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Government Rajiv Ganthi Hospital,
No.3, Grand Southern Trunk Road,
Park Town,
Chennai - 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to appoint the first petitioner as a Guardian of her husband Dr. D. Rajendran as well as the properties belonging to him to enable her to handle, if necessary dispose of the properties and use the proceeds to meet out the medical expenses incurred on Dr. D. Rajendran, settle the EMI of property loan and the expenses incurred on the rented eye hospital of Dr.D.Rajendran.

For petitioners : Ms. R. Chitradevi

For respondents : Mr.P. Ganesan

Addl. Govt. Pleader for R2 & R3

Mr.E. Sundaram,

Govt. Advocate for R1 & R4

ORDER

This writ petition has been filed seeking for a direction to appoint the first petitioner as a Guardian of her husband Dr. D. Rajendran as well as the properties belonging to him to enable her to handle, if necessary dispose of the



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properties and use the proceeds to meet out the medical expenses incurred on

Dr. D. Rajendran, settle the EMI of property loan and the expenses incurred on the rented eye hospital of Dr.D.Rajendran.

2. The petitioners are the wife and the daughters of a coma patient, namely Dr. D. Rajendran. It is stated that due to sudden medical illness, Dr.D.Rajendran, who is the husband of the first petitioner is in vegetative state. It is also stated that the first petitioner and Dr. D. Rajendran are Doctors by profession. According to petitioners, the reason for comatose condition of Dr. D. Rajendran is due to cardiac arrest and acute kidney injury. It is the case of the petitioners that Dr. D. Rajendran and the first petitioner availed home loan, jointly and thereby EMI payments have to be made to a sum of Rs.1,43,952/-. Apart from the EMI amount, additionally, the first petitioner is incurring a huge sum of money around Rs.2,00,000/- per month towards medical expenses of Dr. D. Rajendran. Under such circumstances, petitioners are unable to manage the expenses and thereby sought for appointment of a guardian in respect of the



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assets of Dr. D. Rajendran, who is in vegetative state.

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3. It is further averred that petitioners unanimously wish to appoint the first petitioner as the guardian of Dr. D. Rajendran and the properties belonging to him, so that the first petitioner can dispose of the properties mentioned in the affidavit, which stood in the name of Dr.D. Rajendran, both for his medical purposes as well as for meeting the financial commitments created by him.

4. Moreso, in the grounds, they have referred to statutes viz., The Mental Health Act, 1987, Mental Health Care Act, 2017, Persons with Disabilities (Equal Opportunities, Protection of Rights and Field Participation) Act, 1995, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and stated that none of the statutes enables any person to be appointed as a guardian in respect of the properties belonging to a coma patient. In the aforesaid situation, they have no other alternative except to approach this Court under Article 226 of the Constitution of India, seeking for an extraordinary relief to appoint the first



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petitioner, who is the wife of Dr.D. Rajendran, as his guardian.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. In earlier proceedings, this Court directed the 4th respondent to examine the 1st petitioner's husband and file a report with regard to the stage of Dr. D. Rajendran. Pursuant to the said directions, the 4th respondent has filed a report detailing the medical condition of Dr. D. Rajendran, husband of the first petitioner. On perusing the said medical report, it reveals that Dr. D.Rajendran is in vegetative state and has been under hospitalisation for quite some time. Later, he was discharged and now he is under the care of medical experts at his residence. There could be no second thought that the petitioners would incur huge sum towards medical expenses of Dr. D. Rajendran. Further perusal of records reveal that the first petitioner and Dr. D. Rajendran, jointly purchased properties and thus, the averment in that regard that the petitioners have to pay EMIs , seems to be a reliable one. It is also to be pointed out that there is no

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dispute with regard to the marital status of the first petitioner with

Dr.D.Rajendran and also no dispute with regard to the properties and also the

fact that petitioners 2 and 3 are his daughters.

7. Further, none of the statutes as pointed out by the petitioners provide for appointment of a guardian for the administration of properties belonging to a coma patient. The petitioners cannot be left remediless when there is no statutory provision available for appointment of a guardian to administer the movable and immovable properties of a coma patient. Hence, this Court is of the considered view that a guardian will have to be necessarily appointed on his behalf. Admittedly, the first petitioner is the wife of Dr. D. Rajendran and therefore, this Court is of opinion that she will be the most suitable person to be appointed as guardian for Dr. D. Rajendran, more so, when petitioners 2 and 3 who are their daughters have no objection for such appointment.

8. In view of the above, this Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India and to render



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substantial justice appoints Dr. R. Suganthini, the first petitioner herein as the

guardian of Dr. D. Rajendran to deal with / dispose of the assets / properties

belonging to him as well as for remitting the EMI loan payments. The

guardian appointed by this Court is directed to submit a declaration before the

2nd respondent that she will act as a true guardian for Dr.D. Rajendran and she

will not do anything detrimental to the interests of Dr. D. Rajendran. Apart

from the above, this Court deems it fit to impose certain conditions which shall

be strictly followed and the same are as follows :-

(a) Firstly, the guardian appointed by this Court viz., the first petitioner shall disclose the particulars of properties owned by Dr. D. Rajendran, before the Registry of this Court, within a period of four weeks from the date of receipt of a copy of this order.

(b) The first petitioner shall file a statement before the Registry of this Court every six months, disclosing the statement of bank accounts of Dr.D.Rajendran, the coma patient available with various banks/financial institutions showing the transaction made in the said accounts.



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(c) If it is brought to the notice of any Court about misuse

of funds belonging to Dr. D. Rajendran, the coma patient, the said

Court would have no hesitation in cancelling the guardianship.

(d) The transactions in respect of the property of the person

lying in comatose stage by the guardian shall be strictly in

accordance with the relevant provisions of law.

(e) If the guardian appointed by this Court viz., the first

petitioner is found to be abusing the power or neglects or acts

contrary to the best interests of Dr. D. Rajendran, the comatose

patient, any relative or next friend may bring the same to the

knowledge of this Court for removal of such guardian.

9. The writ petition stands disposed of with the aforesaid directions.

No costs.

28.11.2025

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Note : Issue order copy on 01.12.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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

2. The District Collector,
Chennai District.

3. The Tahsildar,
No.1, 1st Cross Street,
New Kumaran Nagar,
Sholinganallur Taluk.

M. DHANDAPANI, J.

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4. The Dean,
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