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W.P.No.43049 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.43049 of 2025

And

W.M.P.No.48189 of 2025

1.R.Srikanth
2.R.Srivatsan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Represented by the Secretary of Health and Family Welfare,
Secretariat ,
Chennai – 600 009.

2.The District Collector,
62, Rajaji Salai, Fourth Floor,
Chennai – 600 001.

3.The Tahsildar,
Spur Tank Road,
M.S.Nagar, Mukta Gardens,
Egmore,
Chennai – 600 031.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus declaring and appointing the petitioners, Mr.R.Srikanth and Mr.R.Srivatsan, as the legal guardians of their mother, Mrs.R.Vijaya aged 71 years, who is presently in a comatose and vegetative state, with full authority and power to represent her,



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act on her behalf, and take all necessary and appropriate decisions concerning her person, property, and affairs, and issue appropriate directions empowering the petitioners as guardians to consent to, approve, and facilitate the proposed redevelopment of the schedule property on behalf of Mrs.R.Vijaya, ensuring that the same is undertaken in her best interests and for her welfare and benefit.

For Petitioners : Mr.J.V.Sakthi Baalakrishnan
For Respondents : Mr.E.Sundaram
Government Advocate

O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus declaring and appointing the petitioners, Mr.R.Srikanth and Mr.R.Srivatsan, as the legal guardians of their mother, Mrs.R.Vijaya aged 71 years, who is presently in a comatose and vegetative state, with full authority and power to represent her, act on her behalf, and take all necessary and appropriate decisions concerning her person, property, and affairs, and issue appropriate directions empowering the petitioners as guardians to consent to, approve, and facilitate the proposed redevelopment of the schedule property on behalf of Mrs.R.Vijaya, ensuring that the same is undertaken in her best interests and for her welfare and benefit.



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2.The learned counsel appearing for the petitioners submitted that the petitioners are the sons of one R.Vijaya and R.Rangarajan. The property in HIG Flat No.4, First Floor, Block No.91, S.No.164/2(part) situated in Mogappair Village, Chennai was allotted to the petitioners father by the Tamil Nadu Housing Board vide sale deed dated 19.11.1993, registered as document no.7244 of 1993 on the file of the Sub – Registrar, Ambattur. The petitioners father R.Rangarajan died intestate on 20.06.2005 leaving behind his mother, wife and sons/ petitioners as his legal heirs. Thereafter, the petitioners paternal grandmother released and relinquished her share in the property in favour of the petitioners. The petitioners mother R.Vijaya executed settlement deed dated 10.11.2017 settling the property in favour of the petitioners, however, while executing settlement deed, she expressly and categorically reserved unto herself a life interest in the schedule property, namely, the right to reside in the said property and to enjoy any rental income derived therefrom during her lifetime.

3.The learned counsel appearing for the petitioners further submitted that the entire residential building complex wherein the



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schedule property is situated is now proposed to undergo comprehensive redevelopment involving demolition of the existing old and dilapidated structure and reconstruction of new residential flats with modern design, improved amenities, enhanced safety features and better specifications and such redevelopment will directly and substantially benefit the petitioners mother during her lifetime by providing her with better living conditions, enhanced comfort and improved quality of life.

4.The learned counsel appearing for the petitioners further submitted that the petitioners Mother R.Vijaya has fallen into a comatose state following a severe stroke caused by a Right MCA Bifurcation Aneurysm which occurred on 14.12.2022. Her present medical condition has rendered her completely bedridden, entirely dependent on others for all aspects of daily life and require 24 – hour critical nursing care under continuous medical supervision and she is presently in a vegetative condition with significantly limited physical ability and mobility to perform any everyday activities and in wholly and completely incapable of making any decisions for herself, managing her affairs or exercising the life interest reserved by her under settlement deed dated 10.11.2017.



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5.The learned counsel appearing for the petitioners further submitted that for a person in a Comatose stage, there is no provision for appointing the petitioners / sons as a guardian under the Hindu Minority and Guardianship Act, and the petitioners are not able to avail any benefit neither under the Mental Healthcare Act, 2017 nor under the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, except to approach this Court. The learned counsel further submitted that in similar situation, this Court passed an order after satisfaction of the medical record, appointing the Clause-I legal heirs of the persons, who is in Comatose Stage to operate the Bank Account and deal with the alienation of the property of the person, who was in comatose stage. Accordingly, he prayed for appropriate relief in this case also.

6.In order to find out whether the petitioners mother is in comatose stage, this Court, by its order dated 14.11.2025 issued direction to the first respondent to depute Health Officer to find out whether the mother of the petitioners is in vegetative status or not. Pursuant to the order passed by this Court, the Special Medical Board, Rajiv Gandhi Government General Hospital submitted a report dated 20.11.2025 opining that patient/ R.Vijaya is in persistent vegetative



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state (unresponsive awake state) due to old Hemorrhagic stroke secondary to aneurysmal bleed and that it is a chronic neurologic condition where patient will not be aware of herself and environment.

7.In view of the above, this Court is of the considered view that the petitioners, who are sons of R.Vijaya, who is presently in a comatose stage can be appointed as guardian and granted the relief as sought for in the writ petition. Accordingly, this Court appoints the petitioners as legal guardians of their mother, R.Vijaya and they are permitted with full authority and power to represent her, act on her behalf, and take all necessary and appropriate decisions concerning her person, property, and affairs, and to give consent, approve, and facilitate the proposed redevelopment of the schedule property on behalf of R.Vijaya, ensuring that the same is undertaken in her best interests and for her welfare and benefit.

8.This writ petition is allowed with the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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To

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Represented by the Secretary of Health and Family Welfare,
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