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W.P.(MD)No.20918 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20918 of 2025

Abdul Rahman

... Petitioner

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, Thanjavur District,
District Collectorate, Thanjavur – 613 010.
- 3.The Tahsildar, Thanjavur Taluk,
Taluk Office, Sivaji Nagar,
Thanjavur – 613 010.
- 4.The Local Level Committee for the
Welfare of Persons with Autism,
Cerebral Palsy, Mental Retardation
and Multiple Disabilities,
Rep.by its Chairperson,
The District Collector, Thanjavur,
District Collectorate,
Thanjavur – 613 010.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Declaration, to declare Mr.Abdul rahman, the petitioner herein, as guardian of the person and property of his mentally ill and disabled daughter Ms.Shamisya Banu, and permit the



petitioner to manage and alienate the movable and immovable properties standing in the name of Ms.Shamsiya Banu, as morefully set out in the schedule annexed to this petition, for the benefit and welfare of Ms.Shamisiya Banu and to pass any other order.

For Petitioner : Mr.B.Gopinath

For Respondents : Mr.B.Ramanathan,
Additional Government Pleader for R1 to R3

ORDER

Heard both sides.

2.The petitioner is a father of a special child. The petitioner's daughter is suffering from mental retardation. The petitioner has already been declared as legal guardian for her person. The petitioner now wants guardianship in respect of her property also. My attention has been drawn to the order dated 30.04.2024 made in WP Nos.24258, 32457 & 34288 of 2023. A learned Judge of this Court had exercised jurisdiction under Article 226 of the Constitution of India appointing the petitioners therein as guardians of the respective persons with disabilities. I am therefore of the view that there is no legal impediment for considering the petitioner's prayer.



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3. Since I am satisfied with the materials on record, the petitioner is declared as the legal guardian for the properties of his daughter Ms. Shamsiya Banu. The petitioner is directed to furnish an inventory of immovable properties pertaining to the person with disability to the fourth respondent. It is seen that the property that is standing in the name of the special child was purchased by the petitioner himself vide sale deed dated 16.11.1992. The petitioner shall open a bank account in the name of the special child. The details of the bank account shall also be furnished to the fourth respondent. The person purchasing the property has to remit the entire sale consideration in the said bank account. The bank account will be with a Nationalised Bank. The amount shall be invested in an interest bearing account. Once in three months, the petitioner can withdraw the interest.

4. This writ petition is allowed. No costs.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SKM



To:
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- 1.The Secretary, Department of Health and Family
Welfare, Secretariat, Fort St.George, Chennai – 600 009.
- 2.The District Collector, Thanjavur District,
District Collectorate, Thanjavur – 613 010.
- 3.The Tahsildar, Thanjavur Taluk,
Taluk Office, Sivaji Nagar, Thanjavur – 613 010.
- 4.The Local Level Committee for the
Welfare of Persons with Autism,
Cerebral Palsy, Mental Retardation
and Multiple Disabilities,
Rep.by its Chairperson, The District Collector, Thanjavur,
District Collectorate,
Thanjavur – 613 010.



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G.R.SWAMINATHAN, J.

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