



W.P.(MD)No.23959 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.23959 of 2025

and

W.M.P(MD)No.18802 of 2025

M.Saraswathy

... Petitioner

Vs.

1. The Regional Director,
The Reserve Bank of India,
Fort Glacis, 16 Rajaji Road,
Fort St.George,
Chennai - 600001.

2. The Branch Manager,
Bharat Heavy Electricals Employees
Co-operative Bank Ltd,
No.R.1559, Head Office,
Kailasapuram,
Tiruchirappalli - 620014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to issue appropriate orders as a special case, for permitting the petitioner to operate her husbands Saving Bank Account No. 107100010008326 and Jewel Loan Account No.102210080001302 with the 2nd respondent Bank in her capacity as the Nominee Appointed by her husband.



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For Petitioner : Mr.E.J.Ayyappan
For R1 : Mr.K.R.Laxman
For R2 : Mr.Raguvaran Gopalan

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to issue appropriate orders as a special case, for permitting the petitioner to operate her husbands Saving Bank Account No.107100010008326 and Jewel Loan Account No.102210080001302 with the 2nd respondent Bank in her capacity as the Nominee Appointed by her husband.

2. The facts as set out in the affidavit filed in support of the writ petition reads as follows:-

The petitioner would submit that she is the wife of R.Manoharan, who was working as Artisan II Staff in BHEL Trichy. She would submit that her husband met with an accident at his workplace and due to severe brain injury, he was in Coma. Therefore, he is unable to attend any work by himself more particularly he cannot read or write. At this juncture, the



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Doctors have also issued a certificate dated 19.06.2025, showing the inability of the petitioner to use his right hand. She would submit that due to her husband's medical condition, she cannot withdraw any amount from the Bank and therefore, she is unable to provide any medical treatment to her husband. In this connection, she had sent a representation to the 2nd respondent seeking to operate her husband's bank account as she is the nominee to her husband. However, the same was rejected by the 2nd respondent stating that there are no rules in force to concede her request. Aggrieved by the same, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. It is the case of the petitioner that her husband is in a comatose stage and hereby unable to operate the accounts. Though this Court is of the opinion that the writ petition would not lie, however, considering the facts that the bank does not have the rules permitting the operation of account in cases where the person is alive but unable to operate the account, this Court intends exercising its jurisdiction under Article 226 of the Constitution of India.



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5. There is no dispute that the petitioner's husband is in a state where he is unable to handle his personal needs himself. The money in the respondent bank is that of the petitioner's husband, and the petitioner, being his wife, is the person entitled to inherit her husband's money in the event of his demise.

6. On account of the refusal on the part of the respondent bank to permit operation of the account by the petitioner, not only is the money belonging to the petitioner's husband lying idle in the account, but the petitioner and her family are not in a position to give proper treatment to her husband. Article 21 of the Constitution of India protects the right to life and personal liberty.

7. The Hon'ble Supreme Court has interpreted Article 21 to include the right to health and medical care. In the judgment of **Consumer Education & Research Centre and Others vs. Union of India and Others**, reported in (1995) 3 SCC 42, the Hon'ble Supreme Court has held that the right to health and medical care is a fundamental right:-



22. *The expression 'life' assured in Article 21 of the Constitution does not connote mere animal existence or continued drudgery through life. It has a much wider meaning which includes right to livelihood, better standard of living, hygienic conditions in the workplace and leisure. In Olga Tellis v. Bombay Municipal Corpn. this Court held that no person can live without the means of living i.e. means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content of meaningfulness but it would make life impossible to live.*

8. No doubt the facts of the above case stand on a different footing, however, the underlying principle is that the State is bound to ensure a better standard of living and good health to its citizens. The respondent bank, being an instrumentality of the state, is therefore bound by these principles and should not be shackled by the rule book which has not envisaged a situation present in the instant case.

9. In these circumstances, the Court stepping in and taking over its role as *parens patriae* of the person who is in a comatose state unable to exercise his rights. The writ petition stands disposed of with the following directions:-



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- i. The 2nd respondent bank is directed to depute a person who shall go to the petitioner's residence and verify as to whether her husband R.Manoharan is in a coma stage and if he is in a coma stage, he shall make a report to that effect;
- ii. The petitioner is directed to submit a No Objection Certificate (NOC) from the other legal heirs of R.Manoharan, and on receipt of the No Objection Certificate (NOC) and the report, the 2nd respondent bank shall permit the petitioner to operate her husband's bank account;
- iii. The petitioner is also directed to submit an indemnity to the 2nd respondent bank stating that she will hand over the operation of the accounts once the said R.Manoharan regains his consciousness;
- iv. The said exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order;
- v. No costs. Consequently, connected miscellaneous petition is closed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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