



W.P(MD)No.31953 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31953 of 2025

K.Thirumalaisamy

... Petitioner

Vs.

- 1.The State represented by
The Secretary,
Health and Family Welfare
Department,
Chennai – 09.
- 2.The District Collector,
Madurai District.
- 3.The Commissioner,
Madurai Corporation,
Madurai District.
- 4.The District Disabled Welfare Officer,
Madurai.
- 5.The Director of HOD Neurosurgery,
Neurosurgery / Neurosciences,
Founder Chairman and Managing Director,
Hanna Joseph Hospital,



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Madurai – Tuticorin Ring Road,
Chinthamani (Near Toll Gate),
Madurai – 625 009.

6.The Dean,
Government Rajaji Hospital,
Madurai.
***(R.6 is suo motu impleaded vide
order of this Court dated 11.11.2025)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration by the respondents 1, 2 and 4 declaring the petitioner as the guardian of the petitioner's wife, namely, T.Sumathi who is in comatose stage, to protect her interest, administer bank accounts etc and in the event of necessity to handle the movable and immovable properties standing in his wife to meet out her medical expenses.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1, R.2, R.4 & R.6

Mr.P.Anbunithi
Standing Counsel for R.3

ORDER

Heard both sides.



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2.The writ petitioner got married to one Sumathi on 23.05.1994.

Through the wedlock two children were begotten. The petitioner is a small time businessman. The petitioner has been running his business in the name of his wife. Even as late as 2021, he purchased an immovable property vide sale deed dated 03.08.2021 in the name of his wife (Document No.6850 of 2021). The petitioner's wife fell in the bathroom on 08.07.2025 and suffered head injury. According to the petitioner, his wife is in a comatose condition. He therefore wanted this Court direct the District Collector, Madurai to appoint him as guardian for her person and property. The petitioner's wife has been admitted in the fifth respondent hospital and the medical bills appear to have crossed more than Rs.75,00,000/- (Rupees Seventy Five Lakhs only). The petitioner is said to be running out of funds. He is in urgent need of mobilising funds by selling the property purchased in the year 2021.

3.I directed the Dean, Government Rajaji Hospital, Madurai to constitute a medical board and submit a report. The medical board has given its report. It is seen therefrom that the patient is conscious with tracheostomy tube. The medical board has not certified her condition as



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comatose. Therefore, the petitioner cannot be appointed as guardian. At the same time, the medical board itself confirms that the patient's hand grip is weak and that she is not able to write. Since the business account stands in the name of the patient, the petitioner has to be given authority to operate the same.

4. Instead of directing the second respondent to appoint the petitioner as guardian, relief is granted to the petitioner in the following terms:

i) The petitioner is permitted to act as the power agent of his wife T. Sumathi so that he can operate the bank accounts standing in her name and also sell the property that was purchased vide sale deed dated 03.08.2021 (Document No. 6850 of 2021).

ii) The petitioner, however, is not permitted to sell the property covered vide sale deed dated 10.06.1982 which had been purchased by the mother of the patient in the patient's name. Even for selling the property purchased in the year 2021, the petitioner's sons, namely, Naveen Kumar and Arunjunaikani will have to sign as witnesses in the document.



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5.This Writ Petition is allowed in the above terms. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Issue order copy on 19.11.2025.

To

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Department,
Chennai – 09.
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