IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 8361 OF 2026 (GM-RES)

BETWEEN:

1. ADITYA RAO
   S/O. SRI. SUBBARAO RAMAPPA APPEMANE
   AGED ABOUT 27 YEARS
   RESIDING AT TOWER NO. 7,
   FLAT NO. B 1002,
   GODREJ WOODSMAN ESTATE,
   BELLARY ROAD, HEBBAL,
   BANGALORE - 560 024.

   REPRESENTED BY HIS FATHER AND MOTHER
   SMT. SHARADA RAO AND
   SRI. SUBBARAO RAMAPPA APPEMANE
   I.E., PETITIONER NOS.2 AND 3,
   WHO HAVE BEEN APPOINTED AS GUARDIANS
   UNDER SECTION 14 OF THE
   NATIONAL TRUST ACT, 1999

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Location: HIGH COURT OF KARNATAKA

2. SUBBARAO RAMAPPA APPEMANE.
   S/O. A.S. RAMAPPA,
   AGED ABOUT 66 YEARS
   RESIDING AT TOWER NO. 7,
   FLAT NO. B 1002,
   GODREJ WOODSMAN ESTATE,
   BELLARY ROAD, HEBBAL,
   BANGALORE - 560 024.

3. SHARADA RAO,
   W/O. SUBBARAO RAMAPPA APPEMANE
   AGED ABOUT 58 YEARS
   RESIDING AT TOWER NO. 7,

FLAT NO. B 1002,
GODREJ WOODSMAN ESTATE,
BELLARY ROAD, HEBBAL,
BANGALORE - 560 024.

…PETITIONERS

(BY SRI. VIKRAM G, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   DEPARTMENT OF SOCIAL WELFARE
   M.S. BUILDING
   DR. B. R. AMBEDKAR VEEDHI
   BENGALURU - 560 001.
   REPRESENTED BY ITS SECRETARY

2. THE NATIONAL TRUST
   FOR WELFARE OF PERSONS WITH AUTISM,
   CEREBRAL PALSY,
   MENTAL RETARDATION AND MULTIPLE DISABILITIES
   MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
   GOVERNMENT OF INDIA,
   16-B, BADA BAZAR ROAD
   OLD RAJINDER NAGAR,
   NEW DELHI - 110 060.
   REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

3. THE LOCAL LEVEL COMMITTEE
   UNDER THE NATIONAL TRUST ACT, 1999,
   OFFICE OF THE DEPUTY COMMISSIONER,
   BENGALURU URBAN DISTRICT,
   KEMPEGOWDA ROAD,
   BEHIND KANDAYA BHAVANA
   BENGALURU - 560 009.
   REPRESENTED BY DEPUTY COMMISSIONER

4. SUB-REGISTRAR
   GANDHINAGAR SUB-REGISTRAR OFFICE.
   3RD AND 4TH FLOOR,
   ANNEXE BUILDING,

BANGALORE DC OFFICE COMPOUND
BANGALORE - 560 009.

…RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R1, R3 & R4;
SRI. M.N.KUMAR, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION PERMITTING PETITIONER NOS.2 AND 3 BEING THE LAWFUL GUARDIANS OF PETITIONER NO.1, TO RECEIVE THE SALE CONSIDERATION ATTRIBUTABLE TO THE 1/3RD SHARE OF PETITIONER NO.1 IN THE SCHEDULE PROPERTY AFTER DEDUCTION OF TDS AND TO DEPOSIT THE SAME IN THE NAME OF PETITIONER NO. 1 IN A NATIONALISED BANK, TO BE UTILISED EXCLUSIVELY FOR THE MAINTENANCE, TREATMENT, WELFARE AND BENEFIT OF PETITIONER NO. 1 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by petitioner Nos.2 and 3, who are the legal guardians of petitioner No.1, seeking permission of this Court to alienate the undivided one-third share of petitioner No.1 in the petition schedule property and to deposit the sale proceeds in his name in a Nationalised Bank.

2. Petitioner No.1 is a person with 75% intellectual disability coupled with mild autism. The Disability Certificate dated 12.06.2019 issued by the Department of Empowerment of Persons with Disabilities is produced at Annexure-A. The Unique Disability ID (UDID) card issued by the Government, produced at Annexure-B, further substantiates the extent of disability.

3. Petitioner Nos.2 and 3, being the parents of petitioner No.1, are appointed as legal guardians under Section 14 of the National Trust Act, 1999. Their status as guardians is not in dispute. The petitioners have acquired right, title and interest in the petition schedule property pursuant to a testamentary arrangement. Petitioner No.1 holds an undivided one-third (1/3rd) share in the said property.

4. The petitioners now intend to sell the property, including the share of petitioner No.1. The proposed sale consideration, as reflected from the material on record is

Rs.3,40,00,000/-, whereas the guidance value issued by the Sub-Registrar indicates the market value at Rs.14,29,984/-. The petitioners assert that the proposed sale is in the best interest of petitioner No.1 and undertake to deposit his one-third share of the sale proceeds in a Nationalised Bank. They further indicate their intention to utilize the funds for the welfare of petitioner No.1, including placing him in an assisted living facility.

5. Learned counsel for the petitioners would contend that the statutory framework under the National Trust Act, 1999 does not expressly mandate prior judicial permission for alienation of immovable property belonging to a person with disability. The repeal of earlier enactments and the scheme under the Mental Healthcare Act, 2017 does not provide a mechanism governing management of immovable property. Under Section 14 of the Rights of Persons with Disabilities Act, 2016, guardianship is limited and decision-making must be in the

best interest of the person with disability. There exists a legislative vacuum concerning management of immovable property of persons with mental incapacity.

6. To buttress his arguments, reliance is placed on a judgment of the Delhi High Court, wherein it is held that in the absence of a statutory mechanism, the High Court can exercise jurisdiction under Article 226 of the Constitution of India in its parens patriae capacity to safeguard the interests of such persons.

7. Heard learned counsel appearing for the petitioners, learned AGA for respondent Nos.1, 3 and 4 and learned counsel appearing for respondent No.2. The following point arises for consideration:

> *"Whether petitioner Nos.2 and 3, being legal guardians of petitioner No.1, have made out a case for grant of permission to alienate the one-third share of petitioner No.1 in the petition schedule property, and whether adequate safeguards are in place to protect his interest?"*

8. This Court has carefully examined the material placed on record. The fact that petitioner No.1 is suffering from 75% intellectual disability is substantiated by official records. Petitioner Nos.2 and 3 are duly appointed guardians under Section 14 of the National Trust Act, 1999 and are entrusted with the responsibility of safeguarding the welfare and property of petitioner No.1.

9. It is true that the existing statutory framework does not provide a comprehensive mechanism governing alienation of immovable property belonging to persons with intellectual disabilities. This Court cannot lose sight of the legislative vacuum in this regard. In such circumstances, this Court, while exercising jurisdiction under Article 226 of the Constitution, is empowered to act as parens patriae, to ensure that the rights and interests of a person who is unable to protect himself are adequately safeguarded.

10. The guiding principle in such cases is not merely legality, but welfare, benefit and protection of the person with disability. In the present case, the proposed sale consideration of Rs.3,40,00,000/- is substantially higher than the guidance value of Rs.14,29,984/-, thereby clearly indicating that the transaction is financially beneficial and not detrimental to the interest of Petitioner No.1. The petitioners have also undertaken to secure the one-third share of petitioner No.1 by depositing the same in a Nationalised Bank, which ensures preservation of his financial interest.

11. The intention expressed by the petitioners to utilize the proceeds for the welfare of petitioner No.1, including assisted living arrangements, further strengthens the bona fides of the transaction. This Court is therefore satisfied that the proposed alienation is in the best interest of petitioner No.1, subject to stringent safeguards.

12. Accordingly, the point for consideration is answered in the "**Affirmative**," holding that permission can be granted with necessary conditions to protect the interest of Petitioner No.1.

13. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed in part***;

(ii) Petitioner Nos.2 and 3, being the legal guardians of petitioner No.1, are hereby permitted to sell the petition schedule property, including the one-third (1/3rd) share of petitioner No.1.

(iii) The sale consideration shall be not less than Rs.3,40,00,000/- or the prevailing market value, whichever is higher.

(iv) Upon receipt of the sale consideration, petitioner Nos.2 and 3 shall segregate one-third (1/3rd) share attributable to petitioner No.1.

(v) The said one-third share shall be deposited in a Nationalised Bank in the name of petitioner No.1 in the form of a fixed deposit.

(vi) The fixed deposit shall initially be for a period of not less than three (3) years, with provision for automatic renewal.

(vii) Petitioner Nos.2 and 3 are permitted to utilize only the interest accrued on the said deposit strictly for the welfare, medical treatment, care, and assisted living expenses of petitioner No.1.

(viii) The principal amount shall not be withdrawn or encumbered without prior permission of this Court.

(ix) Petitioner Nos.2 and 3 shall file a compliance affidavit within four (4) weeks from the date of receipt of sale consideration, along with documentary proof of deposit.

(x) It is made clear that this permission is granted in exercise of this Court's parens patriae jurisdiction, keeping in view the welfare of petitioner No.1.

(xi) Any violation of the above conditions shall entail appropriate legal consequences.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 Sl No.: 82