



W.P(MD)No.9312 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.9312 of 2026
and
W.M.P(MD)No.7453 of 2026

Mrs.A.Benelin Sheba Thangaraj

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai - 600 009
2. The District Collector,
Kanyakumari,
Kanyakumari District.
3. The Sub Registrar,
Palukal,
Kanyakumari District.

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 2nd respondent to appoint the petitioner as a Guardian of petitioner Husband Mr. Ani Kumar and permit the petitioner to administer his Bank Account and to deal (sell, Mortgage, Pledge Transfer) with the Immovable



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property stands in the name of petitioner Husband Mr. Ani Kumar and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner :Mr.R.J.Karthick

For R1 to R3 :Mr.M.Lingadurai
Special Government Pleader

ORDER

The writ petition is filed for a mandamus directing the 2nd respondent to appoint the petitioner as a guardian to her husband, Mr. Ani Kumar and to permit the petitioner to operate his bank account and to deal with this immovable properties.

2. Heard Mr.R.J.Karthick, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who takes notice on behalf of the respondents.

3. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it can be seen that the petitioner's husband, aged 56 years, was initially suffering from



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Diabetes Mellitus. On account thereof, he suffered an episode of seizure, following which brain damage has been assessed. As a result, he is now in a vegetative condition, unable to move or recollect.

4. In view of the above, the matter is covered by the judgment of the Hon'ble Division Bench in the case of **S. Sasikala vs. State of Tamil Nadu (W.A. No. 1538 of 2024)**, wherein this Court itself appointed the petitioner as the guardian, subject to the conditions imposed therein.

5. I have considered the arguments made on either side and perused the material records of the case.

6. Upon considering the plight of the petitioner and her family, as well as the condition of her husband, I am of the view that the petitioner, being the wife, can be appointed as the lawful guardian of Ani Kumar, subject to the following conditions:-



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- i. The petitioner shall be permitted to act as the guardian of the said Ani Kumar, aged about 56 years in respect of his person and property;
- ii. The petitioner shall be entitled to deal with the immovable properties that fall to the share of the said Ani Kumar, as per the judgment and decree in O.S. No. 149 of 1995 dated 20.12.1995;
- iii. The petitioner shall be entitled to execute and present any documents, including sale deeds, mortgage deeds, or any other instruments, and to raise loans or create any charge in respect of the said properties on behalf of Ani Kumar;
- iv. The petitioner shall also be entitled to operate the bank accounts of the said Ani Kumar, and the concerned bank shall permit the petitioner to operate such accounts, including withdrawing and depositing amounts, as if the said Ani Kumar were operating the same in person;
- v. Out of the amounts withdrawn or realized by way of dealing with the immovable properties, at least 20% shall be retained towards the medical expenses of the said Ani Kumar and the balance may



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be utilized by the petitioner for herself and the family members;

vi. The petitioner shall file detailed accounts once every three months before the District Legal Services Authority, Kanyakumari.

vii.No costs. Consequently, connected miscellaneous petition is closed.

06.04.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
rgm

To

1. The Secretary,
The Government of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai - 600 009
2. The District Collector,
Kanyakumari,
Kanyakumari District.
3. The Sub Registrar,
Palukal,
Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

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