



WEB COPY



W.P. No.2731 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.2731 of 2026

and

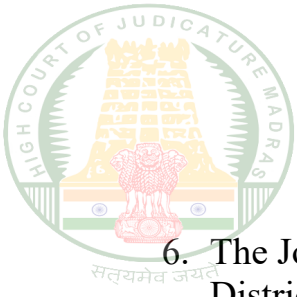
W.M.P. Nos.3155 of 2026 and 14630 of 2026

1. M.Vasanthakumar
2. M.Pavithra

..Petitioners

Vs

1. Union of India
Rep by its Secretary
Ministry of Health Department
Nirmal Bhawan,
New Delhi-110 011
2. The State of Tamil Nadu
Rep by its Secretary
Department of Health and Family Welfare
Fort St.George,
Chennai-600 001
3. The District Collector
Coimbatore
Coimbatore District
4. The Dean
Coimbatore Medical college,
Avinashi Rd, Peelamedu
Coimbatore District
5. The District Registrar
Tiruchirapalli
Tiruchirappalli District



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6. The Joint Sub Registrar No.1
District Registrar office,
Tiruchirappalli

7. The Branch Manager
State Bank of India
Podanur Branch
Coimbatore District

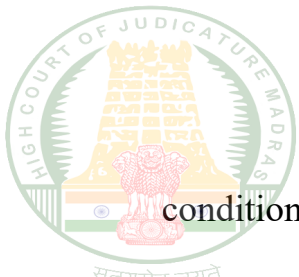
..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Declaration, declaring the petitioners are the guardian of their mother Mrs.M.Vijayalakshmi Aged 58 who is in comatose condition to protect her interest and to sell the immovable property aforesaid standing in the name of the petitioners father in order to use the proceeds towards the medical and family expenses and to operate her bank account

For Petitioners : Mr.R. Suresh Kumar
for
M/s.K.M. Vijayan Associates
For Respondents : Mr. K.S. Jeyaganeshan
for R1
Mr.K. Tippusulthan
Government Advocate for R1
to R4 to R6
Mr.R. Sreedhar for R7

ORDER

This Writ Petition has been filed seeking to declare the petitioners as guardian of their mother Mrs.M. Vijayalakshmi, aged 58 who is in comatose



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condition to sell the immovable property aforesaid standing in the name of the petitioners father in order to use the proceeds towards the medical and family expenses and to operate her bank account

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2. Heard the learned counsel appearing on either side. WMP.No.3155 of 2026 filed by the petitioners to permit them to file a Single Writ Petition, is allowed on payment of single Court fee.

3. The petitioners are the children of Mr. R. Manoharan and Mrs. M.Vijayalakshmi. It is stated that the petitioners' mother met with an accident and, owing to the injuries sustained, has been in a comatose condition. According to the petitioners, substantial medical expenses are being incurred towards her continuous treatment and care.

4. It is further stated that the first petitioner is the sole earning member of the family and is finding it difficult to meet the family expenses and the medical expenditure of his mother. In such circumstances, the petitioners, who are siblings, have filed the present petition to appoint them as guardian of their mother, who is in a comatose and incapacitated state.

5. Learned counsel for the petitioners submitted that the family has no



other sufficient source of income and, in order to meet the medical expenses, the petitioners propose to sell a portion of the immovable property belonging to their parents, measuring an extent of 2270 sq.ft. out of the total extent of 3404sq.ft. Since the petitioners' mother is in a comatose state and is incapable of understanding or executing any document, the present writ petition has been filed seeking declaration to declare the petitioners as guardian of their mother and for consequential permission to deal with the property for her welfare and treatment. Relying upon various judgments of this Court in identical matters learned counsel prayed for appointing petitioners as guardian of their mother Mrs.M. Vijayalakshmi.

6. When the matter came up for hearing on 02.02.2026, this Court had directed the 4th respondent to file a report regarding the petitioners mother's mental and physical condition. Pursuant to the said direction, the 4th respondent filed the medical report dated 11.02.2026, wherein it is stated that the petitioners' mother is not in a fit mental condition to take decisions or execute documents and that she continues to remain incapacitated.

7. Though it was also directed in the earlier proceedings dated 02.02.2026 calling upon the 7th respondent /bank to furnish details of the amount that is



lying in the account of Mrs.M. Vijayalakshmi, the same has not been furnished before this Court. Considering the emergency situation in which the petitioners put in and the necessity for taking care of their mother, this writ petition is taken up for disposal, today.

8. Learned Government Advocate appearing for respondents 4 to 6, on the basis of the medical report, submitted that the condition of the petitioners' mother has been duly assessed and the respondents would abide by any appropriate order passed by this Court, subject to safeguards being imposed for protection of her interest. In view of the above, he prayed for suitable directions.

9. It is not in dispute that the petitioners' mother is in a comatose stage. It is to be noted that there is no specific provision either under the Guardians and Wards Act, 1890 or under the Mental Health Act, 1987 or under any other statute for appointing legal guardian in respect of a person, who is in a vegetative/comatose state. Since the petitioners are children of Mrs.M.Vijayalakshmi and there is no dispute regarding their relationship or bona fides, by considering the facts and circumstances of the case, the medical report placed before this Court and the welfare of the incapacitated person, this



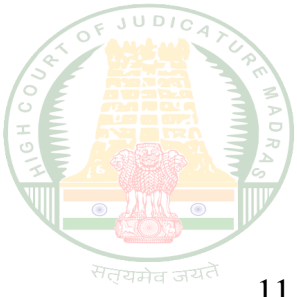
Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, is inclined to grant the relief as prayed for.

10. Accordingly, this Court is inclined to dispose of this Writ petition with the following directions:-

(i) Petitioners are hereby appointed as the legal guardian of the said Mrs.M.Vijayalakshmi and they are entitled to deal with the movable and immovable properties and bank accounts jointly standing in the name of the said Mrs.M.Vijayalakshmi, for the purpose of generating funds to meet the medical and other expenses for the family, etc.

(ii) Further, the petitioners are directed to maintain account in respect of the expenditure incurred by them towards the medical treatment of the said Mrs.M.Vijayalakshmi and also the other expenses relating to the basic day-to-day needs of the family.

iii) This Court makes it clear that the aforesaid appointment of petitioners as guardian of their mother is only to safeguard the said patient viz., Mrs.M.Vijayalakshmi and her interests as well as to enable the family to meet her medical expenses and further the petitioners shall not act in detriment to the interest of their mother, for whom they have been appointed as guardian.



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11. With the above directions, this Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

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Note to office :

**Issue order copy on or
before 30.04.2026**



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M. DHANDAPANI, J.

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and
W.M.P. Nos.3155 of 2026 and 14630 of 2026

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