

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR ✓

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY ✓

WRIT PETITION NO: 18291 OF 2024 ✓

Between:

1. Nandyala Vaidehi, W/o. Nandyala Subbaram.
2. Subramanya Pavan Nandyala, S/o. Subbaram Nandyala
3. Mahesh Anil Nandyala, S/ o. Subbaram Nandyala

...Petitioners ✓

AND

1. State of Telangana. Represented by its Principal Secretary, Department of Health, Medical and Family Welfare, Secretariat, Hyderabad, Telangana- 500022 ✓
2. District Collector, Hyderabad District Collectorate Office, Lakdi -ka-pul, Hyderabad, Telangana - 500004 ✓
3. Tahsildar, Himayatnagar Mandal, Hyderabad District, Telangana. ✓
4. Sub Registrar of Uppal. SRO Code- (1507) Medchal-Malkajgiri District, Beside Happy Bar. Srinivasapuram, Ramanthapur, Uppal, Telangana- 500013 ✓
5. Sub Registrar of S.R. nagar, SRO Code- (1611) 6-3-541/ A, Farhath Manzil Panjagutta, Hyderabad- 500082 ✓
6. Sub Registrar of Kurnool (R.O). SRO Code- (1321) (A) NH7 Road, Abbas Nagar, Kurnool ✓
7. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC) CC Complex. Tank Bund, Lower Tank Bund, Hyderabad- 500063 ✓
8. India Post Amberpet S.O. Amberpet Taluk, 2-3-426/A, NH163, Poonodhaya Colony, MCH Quarters, Amberpet, Hyderabad, Telangana- 500013 ✓
9. Union Bank of India. Ramanthapur branch, Madhura Nagar Road, Srinivasapuram Colony Ramanthapur. Hyderabad- 500013 ✓
10. Bank of Baroda. Ramanthapur branch 3-12-50/ A, Ganesh Nagar Ramanthapur, Hyderabad- 500013. ✓

...Respondents ✓

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or an order or a direction, more particularly a writ in the nature of mandamus.

- a. To appoint the Petitioner No. 1 Mrs. Nandyala Vaidehi as the legal guardian of her husband Mr. Nandyala Subbaram S/ o Late N Nanjundiah for the purpose of dealing with his immovable or moveable properties, tangible or intangible assets and to operate his savings bank accounts, demat accounts

etc. by creating encumbrances, mortgage, alienation or dispose and utilize the funds realized, towards the medical treatment of Mr. Nandyala Subbaram and for other family expenses. ✓

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Appoint the Petitioner herein as the interim legal guardian of her husband Mr. Nandyala Subbaram S/ o Late N Nanjundiah for the purpose of dealing with his immovable or moveable properties, tangible or intangible assets and to operate his savings bank accounts, demat accounts etc. by creating encumbrances, mortgage, alienation or dispose and utilize the funds realized, towards the medical treatment of Mr. Nandyala Subbaram, pending disposal of WP 18291 of 2024, on the file of the High Court. ✓

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Avinash Desai, learned Senior Counsel appearing for Sri Nikhil Khadkikar, Advocate for the Petitioners, GP FOR MEDICAL HEALTH and Family Welfare, for the Respondents.

The Court made the following: ✓

ORDER

Heard Mr. Avinash Desai, learned Senior Counsel, appearing for Mr. Nikhil Khadkikar, learned counsel for the petitioners and learned Government Pleader for Medical Health and Family Welfare, and perused the material on record. ✓

Learned Senior Counsel has placed on record the certificate issued by Dr. S. Deepika, Consultant, Neuro Physician, Apollo Hospitals, Hyderguda, dated 08.07.2024 which reveals that husband of petitioner No.1 and father of petitioner Nos.2 and 3 i.e., Mr. Subbaram Nandyala, is in a state of physical and mental incapacity and in a near vegetative state. ✓

Learned Senior Counsel submitted that patient has been on ventilator since 21.05.2024 and petitioners have disposed of their properties to meet the medical expenses; as of now over Rs.16,00,000/- have to be paid to the Apollo Hospital towards medical treatment and even for his future treatment substantial amount is required. ✓

Hence, learned senior counsel requested for appointing petitioner No.1 as interim legal guardian for liquidating and realizing the movable and for sale of immovable properties owned by her husband, Mr. Subbaram Nandyala i.e., (1) Post Office Savings Bank, Amberpet, S.O., Account No.3984619473, amount of Rs.6,00,000/-, (2) Post Office Savings Bank, Amberpet S.O., Account No.3984438111, amount of Rs.8,00,000/-, (3) Union Bank of India, (Erstwhile Andhra Bank, Srinivasapuram, Ramanthapur, Hyderabad) Account No.111010100010013, amount of Rs.7,82,443/- and

(4) Bank of Baroda, Ramanthapur, Hyderabad, account No.34010100001022, amount of Rs.3,23,601/- and one (1) of the three (3) immovable properties i.e., (1) Residential Flat admeasuring 1215 square feet with Undivided share of 31.05 square yards bearing Flat No.E, 4th Floor, H.No.6-3-652, Dhruvtara Apartments, Somajiguda, Hyderabad, (Sale deed bearing No.2027 of 1991) (2) Residential House admeasuring 194 square yards bearing H.No.13-2-16, Gupta Garden, Kamala Nagar, Ramanthapur, Amberpet, Hyderabad, Telangana – 500013 (Sale deed bearing No.7528 of 1997) and (3) Plot No.168 in Survey No.391 admeasuring 266.2 square yards situated at Kallur Village, Kurnool, Andhra Pradesh (Sale deed bearing No.8323 of 1985). ✓

In view of the above, petitioner No.1 is appointed as interim legal guardian of her husband, Mr. Subbaram Nandyal, for liquidating and realizing the movable and sale of one of the immovable properties as indicated above. ✓

In the case of immovable properties, petitioner No.1 is directed to enter into agreement of sale and furnish the details of sale consideration, purchaser etc., and seek permission of this Court before executing sale deed. Further, petitioner No.1 is allowed to operate the bank accounts and other liquid assets of Mr. Subbaram Nandyala and all the concerned authorities shall treat petitioner No.1 as interim legal guardian of her husband, Mr. Subbaram Nandyala.

Post on 08.08.2024.

SD/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To, .

1. The Principal Secretary, Department of Health, Medical and Family Welfare, Secretariat, Hyderabad, Telangana- 500022. ✓
2. The District Collector, Hyderabad District Collectorate Office, Lakdi -ka-pul, Hyderabad, Telangana – 500004. ✓
3. The Tahsildar, Himayatnagar Mandal, Hyderabad District, Telangana. ✓
4. The Sub Registrar of Uppal, SRO Code- (1507) Medchal-Malkajgiri District, Beside Happy Bar, Srinivasapuram, Ramanthapur, Uppal, Telangana- 500013 .
5. The Sub Registrar of S.R. nagar, SRO Code- (1611) 6-3-541/ A. Farhath Manzil Panjagutta, Hyderabad- 500082 .
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10. Bank of Baroda, Ramanthapur branch 3-12-50/ A, Ganesh Nagar Ramanthapur, ✓ Hyderabad- 500013.

(1 to 10 by RPAD)

11. One CC to Sri Nikhil Khadkikar Advocate [OPUC] ✓
12. Two CCs to GP For Medical Health FW, High Court at Hyderabad. [OUT] ✓
13. One spare copy ✓
SP

HIGH COURT

BVR,J

DATED:11/07/2024

NOTE: POST ON 08.08.2024.

ORDER

WP.No.18291 of 2024

DIRECTION

