

*** THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

WRIT PETITION No.8729 OF 2026

% 06.04.2026

Singavaram Nagamma, W/o.Subhan Singh,
aged about 59 years, Occ: House wife,
R/o.D.No.13/978-3, Saravayapalle Road,
Mydukur Town & Mandal, Y.S.R. Kadapa
District and others

.....Petitioner

And:

\$ The State of Andhra Pradesh, Rep. by its
Principal Secretary, Medical and Health
Department, Secretariat Buildings,
Velagapudi, Thullur Mandal, Guntur
District - 522238 and other

....Respondent.

!Counsel for the petitioners : Mr.D.Vigneshwar Reddy

^Counsel for the respondents : GP FOR MEDICAL AND HEALTH

<Gist:

>Head Note:

? Cases referred:

1. W.P.(C).No.16793 of 2025 dated 31.12.2025
2. 2019 SCC OnLine Ker 739
3. 2020 SCC OnLine Bom 880
4. WA/1538/2024 Madras HC
5. W.P(C) No.24656 of 2024 Orissa HC

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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WRIT PETITION No.8729 OF 2026

DATE OF JUDGMENT PRONOUNCED: 06.04.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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| 1. <i>Whether Reporters of Local newspapers may be allowed to see the Judgments?</i> | Yes/No |
| 2. <i>Whether the copies of judgment may be marked to Law Reporters/Journals</i> | Yes/No |
| 3. <i>Whether Your Lordships wish to see the fair copy of the Judgment?</i> | Yes/No |

VENKATESWARLU NIMMAGADDA, J

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 8729/2026

ORDER:

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, invoking the parens patriae jurisdiction of this Hon'ble Court, appoint petitioner No.3 as the legal guardian of my father, Sri Singavaram Subhan Singh, who is presently in a vegetative/comatose state, for the limited purpose of operating and withdrawing amounts from his Axis Bank Account bearing No. 913010036494989, for meeting his medical expenses, and to pass such other order or orders.”

2. Heard learned counsel for the petitioners and learned Government Pleader the respondents.

3. Learned counsel for the petitioners submits that the husband of petitioner No.1 and father of petitioner Nos.2 and 3 i.e., Mr.Singavaram Subhan Singh is aged about 65 years, is diagnosed with CVA-left CG Hematoma, Status Post Left FTP Decompressive Craniectomy and underwent a surgery at Care Hospital HI-Tech city. After completion of surgery his medical condition has not improved and he continued to remain in vegetative state, requiring tracheostomy tube for breathing and Ryle tube for feeding. For medical treatment as was done till date and for further continuation of medical treatment, since he has been in vegetative state, requires so much of funds. Further, Mr.Singavaram Subhan Singh, who is in

vegetative state, vested with movable and immovable properties stands in his name and there is credit/deposit amount of Rs.14,38,015/- in his bank account, which is lying with respondent No.2. He further submits that to meet all medical expenses and day to day expenses is become so difficult for the petitioners without touching the funds lying at bank account of their father. Therefore, to withdraw the funds from his account, among the petitioners one of them has to be declared as guardian to operate the bank account lying with the respondent No.2 and to deal with the properties of Mr.Singavaram Subhan Singh. He further submits that there is no other known procedure can be adopted except invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Admittedly there is no other procedure either under the civil law remedies or under any special law remedies were provided under any enactment. For which, learned counsel for the petitioner relied upon the judgment rendered by the High Court of Delhi in ***Professor Alka Acharya vs. Government of NCT of Delhi and Ors.***¹.

4. Learned counsel for the petitioners further submits that in view of the judgment rendered by the High Court of Delhi as stated supra, among the petitioners herein, either one of them is entitled to

¹ W.P.(C) 16793 of 2025 dated 31.12.2025

be declared as guardian of Mr.Singavaram Subhan Singh, who is in vegetative state.

5. On the other hand, learned Government Pleader for Medical and Health submits that the present Writ Petition is not maintainable under extraordinary jurisdiction of this Court, since the petitioners are seeking for appointment of guardianship regarding another individual who is none other than the husband of petitioner No.1 and father of petitioner Nos.2 and 3. The claim of the petitioners herein is purely civil in nature as such they are entitled to initiate appropriate proceedings before the civil Court. In view of the same, the present Writ Petition is liable to be dismissed.

6. Heard both the learned counsel and perused the material placed on record. It seems that the petitioners herein have invoked 'parens patriae' jurisdiction of this Court for being appointment as legal guardian of Mr.Singavaram Subhan Singh, since presently there exists no remedy under law or any statute either stipulates or lay down any procedure for spouse or legal heir to secure guardianship of an individual who is in vegetative/comatose state. On perusal of the genuinity of certificate dated 21.01.2026 issued by the Medical Superintendent of Care Convoy Rehabilitation and other certificates dated 31.12.2025 and 27.01.2026 issued by New Life Rehab Hospital, clearly and categorically demonstrates that Mr.Singavaram Subhan Singh is currently in "vegetative/comatose

state”, with current GCS of E2VTM1 and Stable Hemodynamics and he is undergoing medication continuously by 17 procedures as enumerated vide certificate dated 27.01.2026. The notarized affidavit filed by the petitioners also confirmed the fact that Mr.Singavaram Subhan Singh is in vegetative state and they are the only legal heirs. When an individual is in vegetative/comatose state, the similar claim of an individual was considered by the High Court of Delhi vide its order dated 31.12.2025 in W.P.(C) 16793 of 2025 dated 31.12.2025 is extracted hereunder:

“216. While exercising parens patriae jurisdiction, Courts used to apply the principle of "best interest of the individual". However, with the introduction of the UNCRPD, "best interest" of the individual has to be in the light of the "wills and preferences" of the individual. The same could be determined by means of advance directives and in the absence of advance directives, facts and circumstances which point towards the wishes/intent of the concerned person. Thus, the "wills and preferences" of the mentally ill person have to be considered by the Court in deciding the manner in which care is to be given.

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219. In any event, this Court is of the opinion that the solemn nature of the said jurisdiction having been repeatedly recognised by the Supreme Court, the question as to which Court has to

exercise it and in what manner is one of mere procedure. So long as the "wills and preferences" of the mentally ill person and the other factors set out in the rules are borne in mind by the Court exercising parens patriae jurisdiction, it cannot be held that the High Court exercising power under Article 226 is denuded of power in view of the provisions of the RPWD-2016 Act or the Rules thereunder.

220. Thus, both, while exercising jurisdiction under Article 226 and even in terms of the proviso to Section 14(1) of the RPWD-2016 and under the MHA-2017, this Court has the power to entertain the present petition seeking appointment of a guardian."

7. It is further observed that the similar issue in hand was fell for consideration before the High Court of Kerala in ***Shobha Gopalakrishnan and Ors., Vs. State of Kerala and Ors.***², wherein it is held as under:

"34. Considering the role of this Court, jurisdiction under Article 226 of the Constitution of India springs up, when no remedy is provided under any Statute to persons like patients in 'comatose state'. It is something like 'parens patriae' jurisdiction. A reference to the verdict in Nothman vs. Barnet London Borough Council [MANU/UKHL/0024/1978 : 1978 (1)WLR 220] (at 228) is also relevant. In such

² 2019 SCC OnLine Ker 739

cases, it is often said, Courts have to do what the Parliament would have done. A reference to the verdict in Surjit Singh Karla vs. Union of India and another [MANU/SC/0529/1991 : 1991(2) SCC 87] explaining the principle of 'causes omissus' is also brought to the notice of this Court; to the effect that if it is an accidental omission, court can supply/fill up the gap. This Court however does not find it appropriate to "re-write" the provision, as it is within the exclusive domain of the Parliament. This is more so, when the relevant statutes like Mental Health Act, 1987 and PWD Act, 1995 came to be repealed, on introducing the new legislations, such as the Mental Healthcare Act, 2017 and The Rights of persons with Disabilities Act, 2016 in conformity with the mandate of U.N.Convention, 2006. This Court does not say anything whether any amendment is necessary, also in respect of the National Trust Act for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (National Trust Act, 1999) with reference to the U.N.Convention 2006. It is for the Government to consider and take appropriate steps in this regard, as it is never for the Court to encroach into the forbidden field. This Court would only like to make it clear that, in so far as the case of a patient lying in 'comatose state' is not covered by any of the statutes, (as discussed above), for appointment of a Guardian, the petitioners are justified in approaching this court seeking to invoke the power under Article 226 of the Constitution of India. It is declared accordingly.

35. Coming to the incidental aspects; since no specific provision is available in any Statutes to deal with the procedure for such appointment of Guardian to a victim lying in 'comatose state', it is necessary to stipulate some 'Guidelines', based on the inputs gathered by this Court from different corners, as suggested by the learned counsel for the petitioners, the learned Government Pleader and also by the learned Amicus Curiae, till the field is taken over by proper legislation in this regard. This Court finds it appropriate to fix the following norms/guidelines as a temporary measure:

- i) petitioner/s seeking for appointment of Guardian to a person lying in comatose state shall disclose the particulars of the property, both movable and immovable, owned and possessed by the patient lying in comatose state.
- ii) The condition of the person lying in comatose state shall be got ascertained by causing him to be examined by a duly constituted Medical Board, of whom one shall definitely be a qualified Neurologist.
- iii) A simultaneous visit of the person lying in comatose state, at his residence, shall be caused to be made through the Revenue authorities, not below the rank of a Tahsildar and a report shall be procured as to all the relevant facts and figures, including the particulars of the close relatives, their financial conditions and such other aspects.

iv) The person seeking appointment as Guardian of a person lying in comatose state shall be a close relative (spouse or children) and all the persons to be classified as legal heirs in the due course shall be in the party array. In the absence of the suitable close relative, a public official such as 'Social Welfare officer' can be sought to be appointed as a Guardian to the person lying in 'comatose state'.

v) The person applying for appointment as Guardian shall be one who is legally competent to be appointed as a Guardian

vi) The appointment of a Guardian as above shall only be in respect of the specific properties and bank accounts/such other properties of the person lying in comatose state; to be indicated in the order appointing the Guardian and the Guardian so appointed shall act always in the best interest of the person lying in 'comatose state'.

vii) The person appointed as Guardian shall file periodical reports in every six months before the Registrar General of this Court, which shall contain the particulars of all transactions taken by the Guardian in respect of the person and property of the patient in comatose state; besides showing the utilization of the funds received and spent by him/her.

viii) *The Registrar General shall cause to maintain a separate Register with regard to appointment of Guardian to persons lying in 'comatose state' and adequate provision to keep the Reports filed by the Guardian appointed by this Court.*

ix) *It is open for this Court to appoint a person as Guardian to the person lying in comatose state, either temporarily or for a specified period or permanently, as found to be appropriate.*

x) *If there is any misuse of power or misappropriation of funds or non-extension of requisite care and protection or support with regard to the treatment and other requirements of the person lying in comatose state, it is open to bring up the matter for further consideration of this Court to re-open and revoke the power, to take appropriate action against the person concerned, who was appointed as the Guardian and also to appoint another person/public authority/Social Welfare Officer (whose official status is equal to the post of District Probation Officer) as the Guardian.*

xi) *It shall be for the Guardian appointed by the Court to meet the obligations/duties similar to those as described under Section 15 of the National Trust Act and to maintain and submit the accounts similar to those contained in Section 16.*

xii) The Guardian so appointed shall bring the appointment to the notice of the Social Welfare Officer having jurisdiction in the place of residence, along with a copy of the verdict appointing him as Guardian, enabling the Social Welfare Officer of the area to visit the person lying in 'comatose state' at random and to submit a report, if so necessitated, calling for further action/ interference of this Court.

xiii) The transactions in respect of the property of the person lying in 'comatose state', by the Guardian, shall be strictly in accordance with the relevant provisions of law. If the Guardian appointed is found to be abusing the power or neglects or acts contrary to the best interest of the person lying in 'comatose state', any relative or next friend may apply to this Court for removal of such Guardian.

xiv) The Guardian appointed shall seek and obtain specific permission from this Court, if he/she intends to transfer the person lying in comatose state from the jurisdiction of this Court to another State or Country, whether it be for availing better treatment or otherwise."

8. The said ratio was also followed by the High Court of Bombay in ***Rajni Hariom Sharma v. Union of India***³, and High Court of Madras in ***S.Sasikala v. State of Tamil Nadu***⁴.

³ 2020 SCC OnLine Bom 880

⁴ WA/1538/2024 Madras HC

9. As held by the High Court of Orissa in ***Epari Sushma v. State of Odisha***⁵, this Court is of the considered view that the present case in hand is similarly situated and mandates to exercise jurisdiction of ‘parens patriae’ jurisdiction under extraordinary jurisdiction of this Court. Since there is no specific provision is available in any statute to deal with such appointment of guardian to the victim lying in “comatose state” and it is necessary to stipulate some guidelines based on guidelines and directions issued by the various High Courts as mentioned above and also material gathered from different corners. Hence, this Court find it appropriate to fix norms and guidelines as a temporary measure as held by High Court of Kerala in ***Shobha Gopalakrishnan and Ors., Vs. State of Kerala and Ors.***:

“i) petitioner/s seeking for appointment of Guardian to a person lying in comatose state shall disclose the particulars of the property, both movable and immovable, owned and possessed by the patient lying in comatose state.

ii) The condition of the person lying in comatose state shall be got ascertained by causing him to be examined by a duly constituted Medical Board, of whom one shall definitely be a qualified Neurologist.

⁵ W.P(C) No.24656 of 2024 Orissa HC

iii) The person seeking appointment as Guardian of a person lying in comatose state shall be a close relative (spouse or children) or class I legal heir and all the persons to be classified as legal heirs in the due course shall be in the party array. In the absence of the suitable close relative, a public official such as 'Social Welfare officer' can be sought to be appointed as a Guardian to the person lying in 'comatose state'.

iv) The person applying for appointment as Guardian shall be one who is legally competent to be appointed as a Guardian

v) The appointment of a Guardian as above shall only be in respect of the specific properties and bank accounts/such other properties of the person lying in comatose state; to be indicated in the order appointing the Guardian and the Guardian so appointed shall act always in the best interest of the person lying in 'comatose state'.

vi) The person appointed as Guardian shall file periodical reports in every six months before the Registrar General of this Court, which shall contain the particulars of all transactions taken by the

Guardian in respect of the person and property of the patient in comatose state; besides showing the utilization of the funds received and spent by him/her.

vii) It is open for this Court to appoint a person as Guardian to the person lying in comatose state, either temporarily or for a specified period or permanently, as found to be appropriate.

viii) If there is any misuse of power or misappropriation of funds or non-extension of requisite care and protection or support with regard to the treatment and other requirements of the person lying in comatose state, it is open to bring up the matter for further consideration of this Court to re-open and revoke the power, to take appropriate action against the person concerned, who was appointed as the Guardian and also to appoint another person/public authority/Social Welfare Officer (whose official status is equal to the post of District Probation Officer) as the Guardian.

ix) It shall be for the Guardian appointed by the Court to meet the obligations/duties similar to those as described under Section 15 of the National Trust Act

and to maintain and submit the accounts similar to those contained in Section 16.

x) The transactions in respect of the property of the person lying in 'comatose state', by the Guardian, shall be strictly in accordance with the relevant provisions of law. If the Guardian appointed is found to be abusing the power or neglects or acts contrary to the best interest of the person lying in 'comatose state', any relative or next friend may apply to this Court for removal of such Guardian.

xi) The Guardian appointed shall seek and obtain specific permission from this Court, if he/she intends to transfer the person lying in comatose state from the jurisdiction of this Court to another State or Country, whether it be for availing better treatment or otherwise.”

10. It is thus quite clear to justify comprehensive guardianship, this Court hereby observed that ‘when a husband fully into a comatose or vegetative state, losing the ability to exercise reason, make decision or act on his own behalf there can be no person more naturally, morally or legally suited than the wife to act

as his guardian, considering the Indian ancient philosophical concepts of 'Ardhangini' (the wife as other half).

11. In view of the above analysis it is held and declared that the petitioners herein are justified in approaching this Court for appointment of guardian to the person i.e., Mr.Singavaram Subhan Singh who is husband of petitioner No.1 and father of petitioner Nos.2 and 3, who was lying in "comatose state".

12. Accordingly, the Writ Petition is allowed with the following directions:

i. Declaring the petitioner No.1/Ms.Singavaram Nagamma, who is the wife of Mr.Singavaram Subhan Singh (victim), as guardian to deal with operations of bank account of Mr.Singavaram Subhan Singh (victim), as mentioned below:

"a. Axis Bank Account bearing
No.913010036494989."

ii. The updated passbook/statement of account in respect of bank account of the victim should be preserved and to be produced by the petitioners before the Registrar Judicial periodically for every three months till for the period of one year or till the happening of any other major or medical incident, whichever is less.

iii. The Registry is required to forward a copy of this judgment to the Secretary, Dept. Of Justice, Ministry of Law and Justice, Government of Andhra Pradesh, for information and appropriate steps, if any.

There shall be no order as to costs.

As a sequel miscellaneous application, pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA, J

Date: 06.04.2026

Note: L.R. copy be marked
(B/o) *TPS*

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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