



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.6491 OF 2014 & M.P(MD)No.1 of 2014

V.Muniandi

..Petitioner

.vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai, Madurai District.

3.M.Nagendran

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to sanction adequate protection to the petitioner and to order for maintenance of the petitioner by considering the representation of the petitioner dated 25.03.2014 within a time frame fixed by this Court.

For Petitioner :Mr.S.C.Herold Singh

For Respondents :Mr.Aayiram K Selvakumar
Govt.Advocate for R1 & R2.

No appearance for R3

ORDER

The writ petition has been filed by the father of the third respondent for issuance of Writ of Mandamus to direct the second respondent to sanction adequate protection to the petitioner and to order for maintenance of the petitioner by considering the representation of the petitioner dated 25.03.2014. Despite notice, the third respondent is neither present nor represented by a counsel.

2.The case of the father in this writ petition is that he attained the age of superannuation on 29.02.1999, as Medical Store Officer from General Hospital, Madras. Though the petitioner got two sons and one daughter and all of them got married and they are also settled in various places, they have abandoned the petitioner who is not in a position to maintain his day today affairs. The



petitioner further states that the petitioner was constrained to sell his property and close his business to meet the genuine demands of his children and as a result he is not in a position to take care of himself and his wife. He further states that he is suffering from Asthma and other deceases which are related to his old age. Similarly, the petitioner's wife is also having some decease and other ailments and hence the petitioner submits that his income by way of pension is not sufficient to meet the same. In the aforesaid circumstances, the petitioner seems to have submitted a representation to the Revenue Divisional Officer, Madurai requesting him to take appropriate action against the third respondent and to pass appropriate orders so that the third respondent may provide financial assistance to the petitioner.

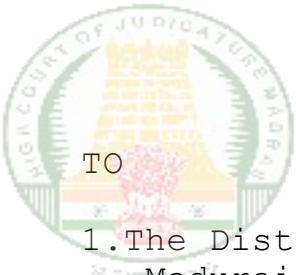
3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

4. Though the petitioner referred to some of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the petitioner is not in a position to convince the Court that the respondents are in a position to give substantial relief as prayed for by the petitioner in this writ petition. It is not brought to the notice of this Court about the constitution of a Tribunal as contemplated under the Act. In the above circumstances, this Court is not in a position to issue any positive direction to the respondents with reference to the power that can be exercised by the respondents under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, this Court feels that the respondents may consider the representation of the petitioner and pass appropriate order or direction or refer the case to the District Social Welfare Officer so as to persuade the third respondent to provide assistance to his parents and making him realise his obligation social, moral and legal particularly with reference to the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 after affording him an opportunity of being heard.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/



TO

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai,
Madurai District.

+1cc to M/S.S.C.HEROLD SINGH, ADVOCATE SR NO: 40399

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 40075

JA-SK-SKN-04.8.2016-3P:5C

W.P (MD) No.6491 OF 2014
27.07.2016