

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.19023 of 2016

D.Ramachandran

... Petitioner

vs.

1. The District Collector,
Chennai District,
Kamarajar Salai,
Chennai.

2. R.Dinesh

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 26.03.2016 under Section 5(8) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

For Petitioner : Mr.G.Karthikeyan

For 1st Respondent : Mr.S.Rajeswaran
Special Government Pleader

For 2nd Respondent : No appearance

सत्यमेव जयते
O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to consider his representation dated 26.03.2016 under Section 5(8) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. According to the petitioner, his wife died on 26.03.2010 and he got his son viz. Dinesh, i.e. the 2nd respondent herein married on 23.01.2013. His grievance is that his son is not maintaining him properly, by not even providing

food to him. Hence, the petitioner came back to his shop and started staying there. While so, the 2nd respondent sent the petitioner out of the shop. In this regard, the petitioner lodged a complaint before the District Collector under Rule 3 of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 and Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The said complaint was enquired into by the Sub-Divisional Magistrate-cum-Personal Assistant to the District Collector and an order dated 08.09.2014 was passed holding that the 2nd respondent does not have any right in the said shop and that if he creates any problem, the petitioner is at liberty to approach the local police and get necessary protection.

3. Aggrieved by the said order, the 2nd respondent filed an appeal before the District Collector and the same was heard on merits and the District Collector passed an order dated 06.08.2015, confirming the order of the Sub-Divisional Magistrate-cum-Personal Assistant to the District Collector. In the meanwhile, the 2nd respondent, instead of obeying the order dated 06.08.2015 passed by the District Collector, all of a sudden, entered the shop of the petitioner on 14.01.2015 and took away all the goods, his School Certificates, ration card, etc. Hence, the petitioner lodged a complaint before the Flower Bazaar Police Station on 14.01.2015. Since no action was taken on his complaint, the petitioner filed a petition in CrI.O.P.No.30503 of 2015 seeking a direction to the Inspector of Police, C-3, Seven Wells Police Station to take action on his complaint dated 14.01.2015. When the matter came up for hearing, it was represented by the Police that the case was closed as mistake of fact. Hence, the petitioner sent a representation dated 26.03.2016 to the 1st respondent under Section 5(8) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Since the same is pending consideration, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1st respondent. Though the 2nd respondent was served and his name is printed in the cause list, there is no representation on his behalf.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court directs the 1st respondent to consider the petitioner's representation dated 26.03.2016 on merits and in accordance with law, and pass appropriate orders after giving an opportunity of hearing to the parties, within a period of two months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

aeb
To :

The District Collector,
Chennai District,
Kamarajar Salai,
Chennai.

+1cc to Mr.G.Karthikeyan, Advocate Sr.6888
+1cc to the Government Pleader Sr.6978

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srg 27/02/2017

W.P.No.19023 of 2016



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