



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.4356 of 2017
and WMP(MD) No.3515 and 3516 of 2017

S.M.Sivagami Achi

..Petitioner

Vs

- 1.The District Collector,
District Collectorate,
Madurai.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai.
- 3.The Commissioner of Police,
O/o. The Commissioner of Police,
Alagar Kovil Main Road,
Madurai City,
Madurai.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai,
Madurai District.
- 5.S.M.S.Selva Ganesan
- 6.Inbavalli
- 7.The Inspector of Police,
Anna Nagar Police Station,
Madurai,
Madurai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent Nos.1 to 4 to protect the Petitioner and ensure the life and dwelling house of the petitioner in plot No.580, K.K. Nagar West, Madurai and consequently direct the Respondent Nos.5 & 6 to pay a sum of Rs.40,000/- to the petitioner as monthly maintenance as per Section 20 of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.D.Muruganantham,

1 to 4 & 7

Additional Government Pleader

O R D E R

The Petitioner has approached this Court seeking a direction to the Respondent Nos.1 to 4 to protect the Petitioner and ensure the life and dwelling house of the petitioner in plot No.580, K.K. Nagar West, Madurai and consequently direct the Respondent Nos.5 & 6 to pay a sum of Rs.40,000/- to the petitioner as monthly maintenance as per Section 20 of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

2.Heard both sides.

3. The petitioner, who is a 78 year old lady has approached this Court complaining against the conduct of her son, who according to her has been involved in fraudulent activities by selling the properties belonging to her by taking advantage of her old age and helplessness. She has plethora of complaints against her son and she has also filed a complaint under Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and Rules, 2009 (hereinafter referred to as the Act/Rules).

4.The conduct of the petitioner is contrary to the provisions of the said Act/Rules. In order to redress her grievance as set out in detail in the affidavit filed in support of the writ petition, she has approached this Court asking for the relief extracted supra. It is also to be noted that under the above said Rules, the petitioner has also submitted an application on 11.03.2017 to the competent authority and the same is pending consideration. Without waiting for a decision to be taken in the application, which was rightly made before the competent authority under the Rules, she has chosen to approach this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

5.The Writ Petition as such cannot be maintained for more than one reason. Firstly, the complaint against her son for usurping her property rights and selling the same illegally and fraudulently cannot be a subject matter of this writ petition and her complaint about change of entry in the Revenue deposits will have to be agitated before the Competent Civil Court and the authorities concerned. Secondly, as regards the Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Act/Rules is concerned, admittedly an application has been submitted only on 11.03.2017 to the competent authority and the same is pending consideration. In these circumstances, I do not think it is right to entertain the writ petition, as separate mechanism is provided under the the said Rules and such mechanism is an effective alternative remedy which can seek report from the competent authorities and can decide the merits and de-merits of the claim and award appropriate maintenance on the basis of the report.



6. In these circumstances, this Writ Petition is dismissed as not maintainable. Consequently, connected Miscellaneous Petitions are also dismissed. There shall be no order as to costs.

Sd/

Assistant Registrar(P & A)

WEB COPY

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector,
District Collectorate,
Madurai.
2. The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Alagar Kovil Main Road,
Madurai City,
Madurai.
4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai,
Madurai District.
5. The Inspector of Police,
Anna Nagar Police Station,
Madurai,
Madurai District.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 14940

+1CC to the Special Government Pleader, SR.No. 15072

W.P(MD) No.4356 of 2017
and WMP(MD) No.3515 and 3516 of 2017
15.03.2017

sj

AM/CM MSA/SAR-AE/16.03.2017/3P/8C