



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No.6971 of 2017**

Ramaiah

... Petitioner

-vs-

1. The District Collector-cum- District Magistrate,
Tirunelveli District,
Tirunelveli.

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3. Periyasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to adjudicate the petitioner's representation dated 02.09.2015 in the light of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act 2007, within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner: Mr.R.Pon Karthikeyan

For R1 & R2 : Mr.T.S.Mohamed Mohideen
Addl. Govt. Pleader

For R3 : No Appearance

ORDER

This writ petition has been filed, seeking a direction to the 1st respondent to adjudicate the petitioner's representation dated 02.09.2015 in the light of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for R1 & R2. Despite notice to R3 and his name also printed in the cause list, none appeared on behalf of R3.

3. The case of the petitioner is that the 3rd respondent is the son of the petitioner, who, after illegally grabbing his house, got rid of him and his wife and also attacked them, which resulted in registration of a case in Crime No.96 of 2015. It is his further case that he has given an application dated 02.09.2015 to the 1st respondent for suitable action against his son under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, but his effort ended in vain and aggrieved by the said act, the petitioner is before this Court.



4. The learned Additional Government Pleader appearing for R1 & R2 would submit that the competent authority to look into the issue on hand is the Revenue Divisional Officer, who has not been added as a party respondent in this petition.

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5. It is seen that the petitioner is aged about 72 years and he has been made to run from pillar to post to sort out his grievances, which have been caused not by a third party, but by his own son. It appears that there was some dispute with regard to sharing of his property between his son and daughter, pursuant to which, there was exchange of words, assault and registration of cases. Under such circumstances, in order to give quietus to the issue, this writ petition is disposed of, directing the 1st respondent to forward the representation/application dated 02.09.2015 to the concerned Revenue Divisional Officer, by issuing necessary instructions, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such instructions, the Revenue Divisional Officer shall take up the matter on preferential basis and pass appropriate orders thereon on merits and in accordance with law, within a period of four weeks thereafter. The petitioner is also at liberty to furnish a copy of the representation dated 02.09.2015 along with a copy of this order to the RDO. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector-cum-District Magistrate,
Tirunelveli District,
Tirunelveli.

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

+1cc to M/S.R.PON KARTHIKEYAN, Advocate SR.No.83122

+1cc to Special Government Pleader, SR.No.83301

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MAS/MR-KKR/SAR1:03.11.2017:2P-5C

W.P(MD) No.6971 of 2017

23.10.2017