



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.16321 of 2017

C.Sivakami

... Petitioner

-Vs-

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
2. The Revenue Divisional officer,
Nagercoil,
Kanyakumari District.
3. The Inspector of Police,
Suseenthiram Police Station,
Kanyakumari District.
4. P.Rajendran
5. Rajkumar

... Respondents

(Fifth respondent is impleaded as per the order of this Court, dated 05.02.2018, made in W.M.P.(MD).No.15903 of 2017 in W.P. (MD).No.16321 of 2017)

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents to provide police protection to the petitioner so as to reside peacefully at the evening of the petitioner's life at door No.4/163, Chithirai Theru, Maharajapuram, Parakkai Post, Kanyakumari District, as per the order of the 2nd respondent under the Maintenance of Welfare of Parents and Senior Citizen Act.

For Petitioner
For Respondents

: MrS.C.Herold Singh
: Mr.V.Anand
Govt. Advocate for RR-1 to 3
Mr.C.Sankar Prakash for R-4
No appearance for R-5



This writ petition has been filed to direct the third respondent to give police protection to implement the order passed by the second respondent, dated 28.04.2017.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent. There is no appearance for the newly impleaded fifth respondent.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is aged about 80 years and the respondents 4 and 5 are her sons. He further submitted that the fourth respondent is occupying the family house and as per the order passed by the second respondent, dated 28.04.2017, the fourth respondent has to allow the petitioner to reside in that house and he should not cause any disturbance to the petitioner when she is residing in that house, but the fourth respondent is not allowing the petitioner to stay in that house and hence, the petitioner gave a petition before the third respondent on 06.07.2017, seeking police protection, but, so far no action has been taken.

4. The learned counsel appearing for the fourth respondent has submitted that the second respondent has passed an order on 11.04.2017. He further submitted that in that order, the petitioner was permitted to stay in the western side room only, whereas, subsequently, the third respondent, without issuing notice to the fourth respondent, has revised the earlier order, on 28.04.2017, permitting the petitioner to reside in the entire house. He further submitted that if the petitioner is permitted to live in the entire house, that would cause inconvenience to the fourth respondent and his family members, and hence, he opposed this petition.

5. The learned Government Advocate appearing for the respondents 1 to 3 has submitted that since the petitioner and the 4th respondent are mother and son, they have to solve their problems themselves.

6. Considering the aforesaid submissions, the fourth respondent is directed to allow the petitioner to stay along with them in the family house or otherwise, the third respondent should give police protection to ensure that the order passed by the second respondent is implemented.

7. With the aforesaid observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
2. The Revenue Divisional officer,
Nagercoil,
Kanyakumari District.
3. The Inspector of Police,
Suseenthiram Police Station,
Kanyakumari District.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 46269
+ 1 CC TO Mr.C.SANKAR PRAKASH, ADVOCATE IN SR No. 46341
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46559

VS

TE/SV-MMS/SAR-3 : 19/02/2018 : 3P/7C

W.P(MD) No.16321 of 2017
05.02.2018