



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) No.17015 of 2019

M.Marimuthu

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Superintendent of Police,
O/o.Superintendent of Police,
Madurai.

3.The Inspector of Police, (L&O),
Anna Nagar Police Station,
Madurai.

4.M.Narendran

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1st to 3rd respondents to initiate legal action as per Rule 20 and 21 of the Tamil Nadu Maintenance and Welfare and Senior Citizen Act, 2007 based on the representation of the petitioner dated 10.07.2019 and consequently direct the 2nd and 3rd respondents to provide adequate protection to the petitioner.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.K.Suyambulinga Bharathi,
G.A.(CrI. Side) for R1 to 3
Mr.M.Thirunavukkarasu for R4

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1st to 3rd respondents to initiate legal action as per Rule 20 and 21 of the Tamil Nadu Maintenance and Welfare and Senior Citizen Act, 2007 based on the representation of the petitioner dated 10.07.2019 and consequently



direct the 2nd and 3rd respondents to provide adequate protection to the petitioner.

2.The petitioner and the 4th respondent are father and son. They have disputes over the property, which was settled by the petitioner in favour of the 4th respondent and the other property are owned by the petitioner. Now, the 4th respondent is residing in the house owned by the petitioner herein. The petitioner is in possession and enjoyment of the house, which was originally settled in favour of the 4th respondent by the petitioner. Now, both have filed affidavits before this Court stating that the petitioner undertakes to vacate the premises and handover the possession of the house situated at Door No.1/327-4-1, Semparuthi Street, V.O.C.Nagar, 2nd Main Road, Opposite to Yadhava Men's College, Madurai - 14 on or before 15.04.2020. The 4th respondent also filed affidavit stating that he undertakes to vacate the premises and handover the possession of the house situated at Door No.5/330, V.O.C. 2nd Street, Thasildar Nagar, Anna Nagar, Madurai - 20. on or before 15.04.2020. The 4th respondent initially agreed to vacate the premises on or before 15.0-4.2010. After seeing filed by his father viz., the petitioner, he changed his mind and corrected as 15.04.2020.

3.Considering the above facts and circumstances of the case, the petitioner as well as the 4th respondent are directed to vacate and hand over the possession of their respective premises as stated above on or before 15.04.2010. On perusal of the records, the father viz., the petitioner herein issued notice to the revenue authorities thereby raised objections to issue patta in respect of the property, which has already been settled in favour of the 4th respondent herein.

4.In view of the above settlement between the petitioner and the 4th respondent, the petitioner has no objection to mutate the revenue records in favour of the 4th respondent in respect of the property settled in favour of the 4th respondent herein. Therefore, the objection raised by the petitioner have no barring over the revenue authorities to consider the request of the 4th respondent to issue patta in respect of the property, which was settled in his favour by the petitioner herein.

5.With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



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To

1.The District Collector,
Madurai District,
Madurai.

2.The Superintendent of Police,
O/o.Superintendent of Police,
Madurai.

3.The Inspector of Police, (L&O),
Anna Nagar Police Station,
Madurai.

+1 CC to Mr.M. THIRUNAVUKKARASU, Advocate (SR-101179[F] dated
26/11/2019)

+1 CC to Mr.C.M. ARUMUGAM, Advocate (SR-101345[F] dated
26/11/2019)

W.P. (MD) No.17015 of 2019

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VB(19.12.2019) 3P 6C