



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

WEB COPY

W.P. (MD)No.19383 of 2019
and
W.M.P. (MD)No.15825 of 2019

A.Chellaiah

... Petitioner

/Vs./

- 1.The District Collector,
District Collectorate,
Madurai, Madurai District.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai, Madurai District.
- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Surveyor Colony,
Madurai Town and District.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Melur Taluk,
Madurai District.
- 5.Mithunkumar
- 6.Malayayee

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of 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 D.No.1/9, Porusupatti, Poosaripatti Post, Madurai East Taluk, Madurai District and consequently direct the respondent Nos.5 and 6 to pay a sum of Rs.4000/- to the petitioner as monthly maintenance as per Section 20 of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009.

For Petitioner
For R-1 to R-4

: Mr.T.Lajapathiroy
: Mr.K.Mu.Muthu
Additional Government Pleader



ORDER

Mr.T.Lajapathiroy, learned counsel on record for the writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4 (official respondents) are before this Court.

2. From the submissions made before this Court, it comes to light that the main writ petition itself can be disposed of by making an order which is not adverse to respondents 5 and 6 (private respondents) and also by making adequate safeguards qua respondents 5 and 6.

3. In the aforesaid backdrop, with the consent of learned counsel for writ petitioner and learned State counsel, main writ petition is taken up and is being disposed of.

4. The nucleus of this writ petition is an application made by writ petitioner *inter alia* under Rule 20 of 'TamilNadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009' (hereinafter referred to as 'said Rules' for the sake of brevity) under 'TamilNadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (Central Act 56 of 2007)' (hereinafter referred to as 'said Act' for the sake of brevity).

5. To be noted, respondents 5 and 6 are son and daughter respectively of the writ petitioner.

6. Writ Petitioner has made an application dated 19.06.2019 to the first respondent District Collector *inter alia* under Rule 20 of the said Rules seeking maintenance under said Act.

7. Notwithstanding the prayer and notwithstanding very many averments in the affidavit filed in support of this writ petition, learned counsel for writ petitioner at the hearing abridges the prayer and submits that it would suffice if there is a direction to the 4th respondent jurisdictional 'Revenue Divisional Officer' (hereinafter referred to as 'RDO' for the sake of brevity) to dispose of writ petitioner's aforesaid application dated 19.06.2019.

8. Considering the narrow / abridged scope of the writ petition now, it may not be necessary to advert to the factual matrix in greater detail.

9. The aforesaid application dated 19.06.2019 has been forwarded by the first respondent to the 4th respondent vide proceedings dated 19.07.2019.

10. It is now for the 4th respondent to take a decision regarding the aforesaid application.



11. Considering the fact that the writ petition is being disposed of at the admission stage, it is made clear that the 4th respondent shall issue notice to the respondents 5 and 6, give them reasonable opportunity of being heard and then proceed to deal with the application of the writ petitioner dated 19.06.2019.

12. The 4th respondent shall take a decision on the aforesaid application of the writ petitioner, after observing the aforesaid requirement as expeditiously as possible and in any event, within twelve (12) weeks from the date of receipt of a copy of this order.

13. Instant Writ Petition is disposed of with directions as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
District Collectorate,
Madurai, Madurai District.

2.The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai, Madurai District.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Surveyor Colony,
Madurai Town and District.

4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Melur Taluk,
Madurai District.

+1 CC to M/s.T.LAJAPATHIROY, Advocate SR-85820

+1 CC to M/s.GP (SR-85876[F] dated 09/09/2019)

Order made in
W.P. (MD) No.19383 of 2019

Dated:
06.09.2019

sm

JM/30.09.2019/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>