

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.2251 of 2020

B.Ambujam

... Petitioner

Vs

1.The District Collector,
Coimbatore District
Coimbatore

2.Parents, Senior Citizen
Maintenance and Welfare Tribunal -cum-
Revenue Divisional Officer,
Coimbatore Noth,
Goundenpalayam, Coimbatore-641030

3.Rajasekaran

4.Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose the application of the petitioner dated 09.12.2019 in Application No.003535/2019 and consequently direct the respondents 3 and 4 to hand over the possession of the house site property i.e. Door No.B5, Cheran colony, Thudiyalur, Coimbatore-621024 to the petitioner.

For Petitioner

: Mr.P.Pandiyaraj

For R1 & R2

: Mr.R.Govindasamy

Additional Government Pleader

ORDER

The petitioner is a senior citizen. She had given a complaint before the Inspector of Police, Thudiyalur Police station, against the 3rd and 4th respondents, who are her son and daughter in law. It is stated in the affidavit filed in

support of the petition that the husband of the petitioner died in the year 2004. She is living with her elder son Ravisankar at Door No.B5, Cheran Colony, Thudiyalur, Coimbatore, 641034. The said property is a self acquired property of the petitioner's husband and the same was purchased on 16.12.1994 vide document No.4734 of 1994 registered in the office of the Sub Registrar, Periya Koundanpalayam.

2.By a Will, the petitioner was granted life estate right in devolve the said property. Thereafter, the property was to equally to the two sons namely Ravishankar and Rajasekaran. Rajasekaran is the 3rd respondent herein. It is stated that the petitioner was residing in the said house till 2018. Thereafter, due to the alleged torture caused by her younger son, she went to his elder son's house and is now living with him. On 26.11.2019 petitioner has given a complaint against 3rd and 4th respondents. Petitioner had also submitted an application on 09.12.2019 before the second respondent under Rule 5 of the Tamil Nadu Parents, Senior Citizen Maintenance Rules 2009 seeking direction to deliver the possession of the property to the petitioner by the 3rd and 4th respondents. Since no action was taken on the application, the present Writ petition has been filed.

3.Heard by consent, the Writ Petition is disposed of.

4.Considering the fact that it is a family dispute, this court directs the 2nd respondent to consider the petitioner's application and after affording an opportunity of personal hearing to the petitioner and to the 3rd and 4th respondents and to any other interested person, grant them further opportunity to produce necessary documents, and then pass appropriate orders on merits and in accordance with law on or before 28.02.2020.

4.With the above observations, the Writ Petition stands disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

vsn

To

1.The District Collector,
Coimbatore District
Coimbatore

2.Parents, Senior Citizen
Maintenance and Welfare Tribunal -cum-
Revenue Divisional Officer,
Coimbatore Noth,
Goundenpalayam, Coimbatore-641030.

+1cc to Mr.P.Pandiyaraj, Advocate, SR.No.7477.

+1cc to Government Pleader, SR.No.8631.

W.P.No.2251 of 2020

NRL (CO)

CSR: 12.02.2020



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