

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17890 of 2020

and

W.M.P.Nos.22175 and 22178 of 2020

M.Sagadevan

... Petitioner

Vs.

1. The Chairperson/
Chief Secretary to Government,
State Council of Senior Citizens,
St.George Fort,
Chennai - 600 009.
2. The District Collector,
Kanchipuram District.
3. The Revenue Divisional Officer,
Kanchipuram Revenue Divisional Office,
Kanchipuram - 631 502.
4. S.Gopalakrishnan
5. S.Suresh

... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to conduct free and fair and time bound enquiry in proceedings in Na.Ka.1029/A1/2018 dated 20.09.2018 on the petition for retrieving petitioner's property and seeking protection, safety and dignified living and livelihood in petitioner's housing bearing No.7, N.S.K.Street, Meenakshi Amman Nagar, Alwarthirunagar, by following the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its TN Rules, 2009 and dispose of the same in accordance with law.

For Petitioner : Mr.R.Prabakar
For R1 to R3 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the second respondent to conduct free and fair and time bound enquiry in proceedings in Na.Ka.1029/A1/2018 dated 20.09.2018 on the petition for retrieving petitioner's property and seeking protection, safety and dignified living and livelihood in petitioner's housing bearing No.7, N.S.K.Street, Meenakshi Amman Nagar, Alwarthirunagar, by following the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and its TN Rules, 2009 and dispose of the same in accordance with law.

2. The learned counsel for the petitioner submits that the petitioner purchased a house site in S.F.No.403 of then Nerkundram Village, Saidapet Taluk, Chengalpet District (present address of the property: No.7, N.S.K.Street, Meenakshi Amman Nagar, Alwarthirunagar) by way of Sale Deed dated 29.09.1988 in Doc.No.4032 of 1988 out of his earnings. The sons of the petitioner viz., the fourth and fifth respondent harassed and chased the petitioner out of his own property. In order to retrieve the same, the petitioner filed an application dated 20.09.2018 before the second respondent and the same is pending for the past two years without any progress. Again, the petitioner has sent a reminder dated 18.02.2020 seeking disposal of his application. But, the respondent has not taken any steps to dispose of the same, against which, the petitioner filed the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the respondent.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the third respondent/Revenue Divisional Officer, Kanchipuram, to consider the petitioner's representation dated 20.09.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six (6) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

asi

To

1. The Chairperson/
Chief Secretary to Government,
State Council of Senior Citizens,
St.George Fort,
Chennai - 600 009.
2. The District Collector,
Kanchipuram District.
3. The Revenue Divisional Officer,
Kanchipuram Revenue Divisional Office,
Kanchipuram - 631 502.

+1CC To Mr.R.Prabakar, Advocate, SR40787

W.P.No.17890 of 2020 and
W.M.P.Nos.22175 and 22178 of 2020

CO (AD)
BDL/06/01/2021

WEB COPY