



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P. (MD)No.10800 of 2020

M.K.Krishnaveni

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Home Secretary,
Secretariat, Chennai - 600 009.
- 2.The Director General of Police,
Dr.Radhakrishna Salai,
Chennai.
- 3.The Commissioner of Police,
Madurai City, Alagarkoil Road,
Madurai - 2.
- 4.The Inspector of Police (L & O),
Vilakkuthoon Police Station,
Madurai - 625 001.

5.M.K.Balaji

6.T.S.Ushadevi

7.M.K.Saravanan

... Respondents

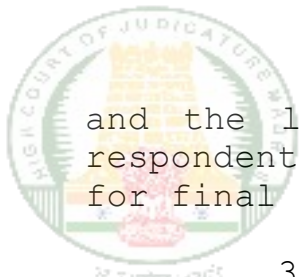
PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the second respondent to take appropriate action against the respondents 4 to 7 to save the petitioner's life and her daughter Uma Maheswari and her family, by considering the petitioner's representation dated 19.08.2020.

For Petitioner : Mr.R.Kannan
For R-1 to R- 4 : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

This writ petition has been filed for the issuance of writ of Mandamus directing the second respondent to take appropriate action against the respondents 4 to 7 to save the life of the petitioner and her daughter Uma Maheswari and her family, by considering the petitioner's representation dated 19.08.2020.

2.Heard the learned counsel appearing for the petitioner



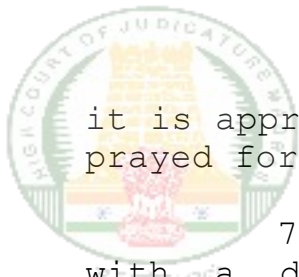
and the learned Additional Public Prosecutor appearing for the respondents 1 to 4. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that she is a senior citizen, aged about 70 years. She is having four children namely, 1) Balaji, 2) Uma Maheswari, 3) Ushadevi and 4) Saravanan. Among the above, the said Ushadevi and Saravanan are living in long distance. Balaji alone is residing in the ground floor, which belongs to the petitioner. Further, her daughter Uma Maheswari is also residing in the first floor of the same house along with her children. In the said circumstances, her son Balaji without doing any help to the petitioner, made an attempt to take possession of the house, in which the petitioner resides.

4.In this regard, on 08.08.2020, the said Balaji threatened the petitioner and for the same incident, based on the complaint given by the petitioner, the fourth respondent herein registered a case against the said Balaji in Crime No.113 of 2020 for the offence punishable under Sections 323 & 506(i) of IPC. Subsequent to the registration of said First Information Report, the police attached with the fourth respondent has requested the petitioner and her daughter for attending the enquiry. During the time of enquiry, the Police Officials threatened the petitioner as she has to hand over the possession of the house to Balaji. Further, the Police Officials threatened the petitioner as they would register First Information Report against the petitioner. The said act committed by the Police Officer is in violation of Human Rights and against the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, the petitioner sent a representation, dated 19.08.2020 to the second respondent for taking appropriate action. In this regard, a direction is necessary to consider the representation, dated 19.08.2020.

5.The learned Additional Public Prosecutor appearing for the respondents 1 to 4, on instructions, would submit that the respondents are ready to pass appropriate orders on the representation of the petitioner.

6.Upon considering the submission made by either sides, the petitioner being a senior citizen, her son Balaji, is to take care of her by providing necessary food and other facilities and having the duty to protect the interest of the petitioner. But in this case, the affidavit filed by the petitioner in support of the writ petition reveals the fact that instead of giving protection to the petitioner, her son Balaj attempted to evict from the place, in which the petitioner was resided. So the said act is nothing but against the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Therefore, in the said circumstances,



it is appropriate to issue a direction to the second respondent as prayed for by the petitioner.

7. Accordingly, this writ petition stands disposed of, with a direction to the second respondent to consider the representation of the petitioner, dated 19.08.2020 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the respondents 5 to 7, if any, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1.The Home Secretary,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Director General of Police,
Dr.Radhakrishna Salai,
Chennai.
- 3.The Commissioner of Police,
Madurai City, Alagarkoil Road,
Madurai - 2.
- 4.The Inspector of Police (L & O),
Vilakkuthoon Police Station,
Madurai - 625 001.

+1 CC to Mr.R. KANNAN, Advocate (SR-16026[F] dated 07/09/2020)

W.P. (MD)No.10800 of 2020

03.09.2020

KM (10.09.2020) 3P 6C

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