



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.15637 of 2020

WEB COPY

K.Mani Muthu

... Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Devakottai, Sivagangai District.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District.

3.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.

4.The Tahsildar,
O/o. The Tahsildar,
Singampunari, Sivagangai District.

5.K.Selvam

6.S.Amutha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 and 4 to complete the enquiry proceedings in Na.Ka.No.A1/4086/2020, on the file of the fourth respondent dated 28.08.2020 and consequently direct the respondents 2 and 3 to take appropriate action against the respondents 5 and 6 and provide adequate police protection to the petitioner under Rule 21 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 4 to complete the enquiry proceedings in Na.Ka.No.A1/4086/2020, pending on the file of the fourth respondent, dated 28.08.2020 and consequently to direct the

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respondent Nos.2 and 3 to take appropriate action against the respondents 5 and 6 and to provide adequate police protection to the petitioner under Rule 21 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

2. Mr.M.Rajarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, appearing on behalf of the respondents 1 to 4.

4. It is the case of the petitioner that she has lodged a complaint with the respondent Nos.1 and 2 on 12.08.2020 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the respondents 5 and 6, for the harassment caused to the petitioner and also for not maintaining her. It is her case that the fifth respondent is her son and the sixth respondent is her daughter-in-law. According to her, she is aged 78 years and suffering from rheumatism and the respondents 5 and 6 are harassing her constantly in order to make claim over the petitioner's property. In such circumstances, she has lodged a complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules, against the fifth and sixth respondents.

5. According to her, the fourth respondent sent an enquiry notice on 28.08.2020 asking the petitioner to appear before the first respondent on 03.09.2020. The petitioner also appeared on the said date. But, till date, the proceedings have not been completed. She is aged 78 years old and she is suffering from rheumatism and the respondents 5 and 6 are constantly harassing her. It is her case that the enquiry proceedings in respect of the complaint lodged under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, will have to be disposed of as expeditiously as possible. In such circumstances, this Writ Petition has been filed.

6. The relief sought by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents, if the said relief is granted by this Court. The petitioner is aged about 78 years and she is suffering from rheumatism. She has also lodged a complaint that the fifth and sixth respondents, who is her son and daughter-in-law, are harassing her constantly. The enquiry proceedings initiated by the fourth respondent is also pending before the first respondent as seen from the proceedings dated 28.08.2020. No prejudice will



be caused to any of the respondents, if the enquiry proceedings initiated under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is disposed of, expeditiously, by the first respondent.

7. For the foregoing reasons, this Court directs the first respondent to complete the enquiry proceedings initiated by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules, against the fifth and sixth respondents and pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner as well as the fifth and sixth respondents, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

tsg

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 Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Devakottai, Sivagangai District.
2. The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District.



3.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.

4.The Tahsildar,
O/o. The Tahsildar,
Singampunari, Sivagangai District.

+1 CC to SGP (SR-21784[F] dated 10/11/2020)

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