



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

CORAM

THE HONOURABLE MR. JUSTICE **ABDUL QUDDHOSE**

W.P(MD) No.15704 of 2020

K.Mariappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Dr.Murthy Road,
Kumbakonam.

2.M.Jegan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to take on file the petition presented by the writ petitioner under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, against the 2nd respondent and enquire into and pass orders in accordance with law within time stipulated by this Court.

For Petitioner : M/s.H.Lakshmi Shankar

For R1 : Mrs.V.P.M.Vaishnavi
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the 1st respondent to take on file the petition presented by the petitioner under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 against the 2nd respondent and to enquire into the same.

2.Heard Mr.H.Lakshmi Shankar, learned counsel for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate for the 1st respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.It is the case of the petitioner that he filed a petition before the 1st respondent on 01.08.2019 under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the 2nd respondent, for the harassment caused to the petitioner. It is the case of the petitioner that he was assaulted by the 2nd respondent constantly, for which, a case in Crime No.196 of 2019 under Sections 294(b), 352, 427 and 506(i) of IPC on the



file of the Kumbakonam Taluk Police Station, has been registered against the 2nd respondent. In such circumstances, the petitioner has filed a petition before the 1st respondent under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules, against the 2nd respondent.

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5. According to the petitioner, he sent a legal notice cum reminder notice to the 1st respondent on 04.09.2020 to dispose of the petition filed by the petitioner. But, till date, the 1st respondent has not disposed of the petitioner's petition. It is the case of the petitioner that the petition filed by him under Section 5 of 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 1st respondent, if the said relief is granted by this Court. The petitioner has lodged a complaint against the 2nd respondent, who is harassing him constantly. The petition filed by the petitioner under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is also pending before the first respondent. No prejudice will be caused to the 1st respondent, if the said petition filed under Section 5 of 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 consider the petition filed by the petitioner under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules, and pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner as well as the 2nd respondent, 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 (CS-II)

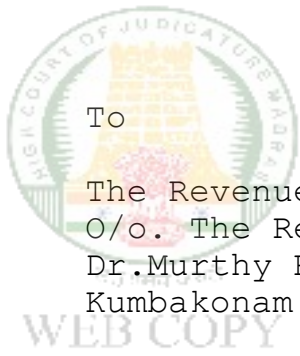
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/ /2020

Sub Assistant Registrar(CS)

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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

The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Dr.Murthy Road,
Kumbakonam.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-21664[F] dated
10/11/2020)

+1 CC to M/s.GP (SR-21735[F] dated 10/11/2020)

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09.11.2020

ARK(CO)

AP(20/11/2020) 3P 4C