

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.507 of 2021

Sarbunnisha

...

Petitioner

Vs

1. The District Collector,
Collectorate, Nagapattinam District,
Nagapattinam.
 2. The Superintendent of Police,
Mayiladuthurai,
Nagapattinam District.
 3. The Inspector of Police,
Serumbanar Koil Police Sation,
Mayiladuthurai, Nagapattinam District.
 - 4.The Revenue Divisional Officer,
Tharangambadi, Mayiladuthurai,
Nagapattinam District
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the fourth respondent to conduct enquiry as provided under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and submit a report to the first respondent who shall take immediate action as provided under the 2007 Act within the time frame fixed by this Court.

For petitioner ... Mr.K.C.Karl Marx
For respondents ... Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to conduct enquiry in respect of the application filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the son of the petitioner, namely, Mansoor Hassan and his wife Sultana and pass final orders, within a time frame to be fixed by this Court.

2. The case of the petitioner is that she is aged 70 years and she has got 4 children, two male and two female. It is her case that her husband died on 18.07.2019 and he had executed a Settlement Deed dated 23.07.2011 in favour of his 4 children giving a life estate to her. However, according to the petitioner, one of her children, namely, Mansoor Hassan, has not been maintaining her properly and is also threatening her frequently by using filthy language. In such circumstances, the petitioner has filed an application on 11.09.2020 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against her son, Mansoor Hassan and his wife Sultana. It is her case that till date, the said application has not been considered by the fourth respondent. In such circumstances, the petitioner has filed this Writ Petition seeking for earlier disposal of the said application.

3. Heard Mr.K.C.Karal Marx, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal.

4. Admittedly, an application has been filed by the petitioner against her son Mansoor Hassan and his wife Sultana on 11.09.2020 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. In the affidavit filed in support of the Writ Petition, it is also stated that the petitioner has already lodged a criminal complaint against her son Mansoor Hassan and his wife Sultana and an FIR has also been registered against them under Sections 294(b), 352, 506(i) of I.P.C and Section 3 of TNPPD in Crime No.1287 of 2020.

5. No prejudice will be caused to the respondents, if the petitioner's application dated 11.09.2020 filed against her son Mansoor Hassan and his wife Sultana under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the fourth respondent to conduct an enquiry in the application dated 11.09.2020 submitted by the petitioner against her son Mansoor Hassan and his wife Sultana under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and pass final orders on merits and in accordance with law, after hearing all necessary parties including the petitioner's son Mansoor Hassan and his wife Sultana, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Collectorate, Nagapattinam District, Nagapattinam.

2. The Superintendent of Police,
Mayiladuthurai, Nagapattinam District.

3. The Inspector of Police,
Serumbanar Koil Police Sation,
Mayiladuthurai, Nagapattinam District.

4.The Revenue Divisional Officer,
Tharangambadi, Mayiladuthurai,
Nagapattinam District

+1cc to Mr.K.C.Karl Marx , Advocate SR.No. 1789

W.P. No.507 of 2021

A.SK(21.01.2021)

सत्यमेव जयते
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