

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2240 of 2021

G.Lalitha

... Petitioner

Vs

1. The District Collector,
Singaravelar Malligai,
Rajaji Salai,
Chennai - 600 001.

2. The Commissioner of Police,
Egmore,
Chennai - 600 008.

3. The Inspector of Police,
R-3, Ashok Nagar Police Station,
Ashok Nagar,
Chennai - 600 083.

4. R.Balaji

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to initiate action under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Rules 20 and 21 framed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, pursuant to the representation dated 27.11.2020 and be completed within a specified time limit.

For petitioner ... Mr.K.Ashok Kumar

For respondents ... Mr.D.Suriya Narayanan
Additional Government Pleader
for R1 to R3

ORDER

Heard Mr.K.Ashok Kumar, learned counsel for the petitioner and Mr.D.Suriya Narayanan, learned Additional Government Pleader

accepts notice for the respondents. Since, no adverse orders are passed against the 4th respondent, notice to 4th respondent is dispensed with by this Court.

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

3. This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to initiate action against the 4th respondent under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules, pursuant to the representation dated 27.11.2020 given by the petitioner, within a time frame to be fixed by this Court.

4. The petitioner claims that she is aged 81 years and a Senior citizen and the 4th respondent is her tenant. According to the petitioner, the 4th respondent is a defaulter in payment of rents and has not paid the rents for the past nine months. It is also the case of the petitioner that the 4th respondent despite not paying rents has been frequently threatening the petitioner and her son-in-law with dire consequences. The petitioner has also lodged police complaint against the 4th respondent on 27.11.2020. She has also submitted an application on 27.11.2020 with the 1st respondent seeking for direction to initiate legal action against the 4th respondent under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules. According to the petitioner, the said application has not been considered till date. In such circumstances, this writ petition has been filed.

5. The relief sought for by the petitioner in this writ petition is an innocuous one. The petitioner claims that she is aged 81 years old and is a Senior citizen and entitled for protection under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules. According to the petitioner, the 4th respondent is her tenant and has not been paying the rents for a long period of time. Apart from that the petitioner states that the 4th respondent has been threatening her and her son-in-law with dire consequences. The petitioner has also given a police complaint on 27.11.2020 against the 4th respondent. The petitioner has also submitted an application under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules on 27.11.2020 seeking for legal action against the 4th respondent. Admittedly, the said application has not been considered till date. No prejudice will be caused to the respondents, if the petitioner's application dated 27.11.2020 submitted under the said Act is considered on merits and in accordance with law after hearing all the necessary parties including the 4th respondent against whom, the petitioner is having a grievance. Since, the

petitioner is aged 81 years and is a Senior Citizen, the complaint lodged under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules will have to be disposed of, expeditiously.

6. For the foregoing reasons, this Court directs the 1st respondent to consider the petitioner's application, dated 27.11.2020 filed under Section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and its Rules against the 4th respondent and pass final orders on merits and in accordance with law, after hearing the petitioner and other necessary parties including the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Singaravelar Malligai,
Rajaji Salai,
Chennai - 600 001.
2. The Commissioner of Police,
Egmore,
Chennai - 600 008.
3. The Inspector of Police,
R-3, Ashok Nagar Police Station,
Ashok Nagar,
Chennai - 600 083.

+2ccs to M/s.K.Ashok Kumar, Advocate Sr.6047

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kv[co]
srg 25/02/2021