



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 10054 of 2019

J.B.L. Theoplus

...Petitioner

Versus

1. The District Collector
Erode District,
Erode.
2. Flautas @ Sekar
3. Malavizhi
4. Fine Rose @ Sudha
5. Pine Rose
6. Suseela

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to initiate enquiry under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 based on the petitioner's representation dated 25.2.2019.

For Petitioner : Mr. M. Guruprasad

For Respondents : Mr. Stalin Abhimanyu
Govt. Counsel for R1

Mr.C.E. Pratap - R2 to R6

ORDER

The relief sought in this writ petition is to issue a Writ of Mandamus directing the first respondent namely the District Collector, Erode to initiate enquiry against the respondents 2 to 6 under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 based on the petitioner's petition dated 25.02.2019.

2. The petitioner stated that he is aged 79 years and is a Senior Citizen. The respondents 2 to 5 are his children and the sixth respondent is his wife. The sixth respondent, accompanied her children / respondents 2 to 5, neglected and deserted the petitioner in the year 1986 and from then onwards, he is



residing alone. Even though the petitioner called upon the respondents to join him in the house constructed by him at Sadaiyampalayam Road, Erode in the year 2002, they refused to do so. While so, at his advanced age, the respondents 2 to 6 asked the petitioner to part away with his movable and immovable properties and on his refusal, they threatened him with dire consequences. The petitioner also stated that he was wrongly confined in a room and made him to starve for food and other essentials. Further, out of duress and coercion, he was made to sell his own property by executing a sale deed dated 29.05.2015. Above all, a sum of Rs.20 lakhs invested by him in L.I.C. pension policy and the policy bond were taken away by the respondents 2 to 6. That apart, the Maruti Car bearing Registration No. TN 33 AE 3335 belonging to the petitioner, his Aadhar Card, Ration Card, Gas Stove, Gas Cylinders and other important documents have been taken away by the respondents 2 to 6, leaving the petitioner in lurch. Hence, he submitted a petition dated 25.02.2019 to the first respondent under Section 23 (1) of The Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 seeking to recover the articles, which were taken away by the respondents 2 to 6 from him and to protect him from them. However, no action was taken on the said petition. Therefore, the petitioner is before this court with this writ petition for the aforesaid relief.

3. Heard both sides and perused the materials available on record.

4. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petition dated 25.02.2019 filed by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the respondents 2 to 6, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

/True Copy//

Sub Assistant Registrar

msr/rsh



To

The District Collector
Erode District, Erode.

WEB COPY

+1 CC to Mr.C.E.Pratap, Advocate, Sr.No. 49188.

+1 CC to Mr.M.Guruprasad, Advocate, Sr.No. 48923.

WP No. 10054 of 2019

AK-II (CO)

LS (13/10/2021)