

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. No. 12477 of 2021

M.P.Muthusamy

Son of Late Pongianna Gounder,  
No.258/1, Kumanan Nagar,  
Kumalan Kuttai, Erode,  
And now residing at  
Tulip, A5, Ben Foundation,  
Jaswanth Nagar, Mugappair West,  
Chennai - 37.

..Petitioner

-vs-

1. The Revenue Divisional Officer, Erode - I  
Meenakshi Sundaram Street  
Erode, Tamil Nadu - 638 001.

2. The Superintendent of Police  
Paneerselvam Park, Erode District  
Erode, Tamil Nadu 638 001.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the First Respondent to hold an enquiry pursuant to the complaint dated 18.05.2021 at the earliest.

For Petitioner : Mr. V.Lakshminarayanan

For Respondents : Dr. S.Suriya  
Government of Tamil Nadu(Civil Side)

ORDER

The relief sought for in the present writ petition is to direct the first respondent to hold an enquiry pursuant to the complaint dated 18.05.2021 at the earliest and pass further orders.

2.The case of the petitioner is that the petitioner, a senior citizen aged about 77 years, sent a complaint to the respondents on 18.05.2021 to initiate action under the provisions of the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007 (hereinafter referred to as "the Act"). The Act was enacted to protect the interest of senior citizens and ageing has become a major social challenge and therefore, there is a need to give more attention to the care and protection of the older persons. Though the parents have claimed maintenance under the Code of Criminal Procedure, 1973, the procedure is both time consuming as well as expensive. With these statement of objects and reasons, the Act was enacted.

3. Section 4 of the Act deals with "maintenance of parents and senior citizens". Therefore, now it is mandatory to maintain the parents and senior citizens as contemplated under the provisions of the Act. Section 6 deals with "jurisdiction and procedure". The complaint filed by the petitioner in the present writ petition reveals that the very complaint itself is filed under the Act to the respondents in order to redress the grievances of the petitioner and appropriate enquiry is to be conducted with reference to the allegations set out in the complaint filed by the petitioner. The proceedings being quasi judicial in nature, an enquiry is necessary and the first respondent, being an authority, is bound to conduct such an enquiry for initiation of further action under the provisions of the Act.

4. Thus, the first respondent is directed to look into the complaint filed by the petitioner on 18.05.2021, conduct an enquiry by following the procedures contemplated and by affording opportunity to all the parties concerned and initiate all further actions under law. Such an exercise is directed to be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

सत्यमेव जयते  
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

abr/maya  
To

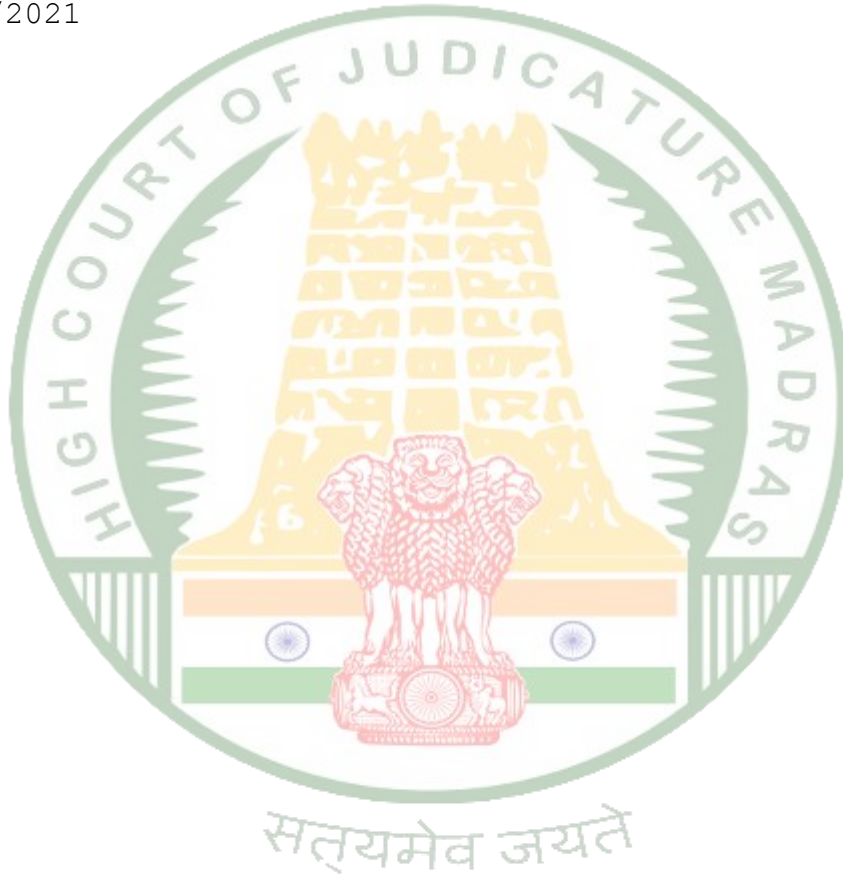
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2. The Superintendent of Police  
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Erode, Tamil Nadu 638 001.

+1cc to the Government Pleader SR No 27617  
+1cc to Mr.R.Raghavachari, Advocate SR No.27577

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um(co)  
SRG 13/07/2021



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