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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.19517 OF 2021

S.Shenbagavalli

... Petitioner

.Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thaiyarkullam, Kanchipuram,
Kanchipuram District - 631 501.
2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Kunnam, Sriperumbudur, Kanchipuram,
SH-57, Singaperumal Koil,
Sriperambadur Road,
Kanchipuram District,
Kanchipuram - 631 604.
3. The Inspector of Police,
O/o.The Inspector of Police,
C-3, Manimangalam Police Station,
Mudichur to Sriperambathur Road,
Manimangalam, Chennai.
4. R.Ponnambalam
5. V.Mannammal

... Respondents

PRAYER:-

Writ petition has been filed under Article 226 of Constitution of India, to issue a writ of mandamus directing the 3rd respondent to provide necessary police protection to enter of my house situated at Door No.15/61, Mettur Sreet, Keezhpadaipai, an extent of 4050 sq.ft comprised in Gramanatham Survey No.429/1, situated at 113, Keezhpadaipai Village, Sriperumpudur Talk, Kanchipuram District.



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For Petitioner : Mr.P.K.Ganesh

For Respondent : Mr.A.Damodaran

Nos.1 to 3

Additional Public Prosecutor

ORDER

The petitioner, who is the adopted daughter of 4th and 5th respondents, has filed this writ petition seeking police protection on the representation dated 19.07.2021. According to the petitioner, the District Collector, Kanchipuram, by order in Na.Ka.No.8051/2020/M1 dated 04.06.2021 gave a positive order to the petitioner. Thereafter, on 17.07.2021, the petitioner had gone to the house property, at that time, the 4th and 5th respondents restrained, assaulted and chased her away. Hence, immediately, she had gone to the Government Hospital, Tambaram, and taken treatment. From the Accident Register copy, it is seen that she had complained pain all over the body and some nail mark on the left hand and she produced photographs in this regard. On 17.07.2021 she approached the Inspector of Police, C3, Manimangalam Police Station and lodged a complaint. Since no action taken, she followed by the representation. From the complaint, it is seen that though the petitioner was called for a compromise talk, the 4th and 5th respondents claimed that they are the owners of the property and the petitioner cannot enter into the property and chased her away.

2. The Additional Public Prosecutor submits that the 4th and 5th respondents settled the property in favour of the petitioner in the year 2018 vide document No.1206 of 2008 dated 10.03.2008 on condition that the petitioner is to take care of her step-father and step-mother. Thereafter, she failed to take care of them and left them and the petitioner is staying at Hyderabad. Hence, the 4th and 5th respondents cancelled the settlement deed as per the Senior Citizens Act. Thereafter, in Ni.Mu.No.5655/2018/A5 dated 26.11.2019, against which, the petitioner preferred the appeal before this Court in W.P.No.35376 of 2019, wherein, this Court by order dated 30.01.2021 set aside the earlier order and directed the District Collector to conduct fresh enquiry and pass orders. Following the same, the District Collector, Kanchipuram, in Na.Ka.No.8051/2020 M1 order dated 04.06.2021 passed the order. In the order, the District Collector set aside the cancellation earlier made, since it has not been filed the proper format and further, directed the petitioner to make payment of Rs.4,000/- each to the 4th and 5th respondents. Thereafter, the petitioner not complied with the order of the District Collector,



Kanchipuram, in full.

3. On the contrary, she had entered the dwelling house of the 4th and 5th respondents, who are aged senior citizens and forced them to get away from the property. Hence, there was a commotion, complaint given, police enquired and finding that they were advised to approach the appropriate Forum and to comply with the conditions properly. Now, this writ has been filed.

4. Considering the submission and on perusal of the materials, it is seen that the petitioner is an adopted daughter of the 4th and 5th respondents, who are aged Senior Citizen. The petitioner is a resident of Hyderabad and now, she claims that she has come to Chennai and staying at Tambaram. Earlier the 4th and 5th respondents out of love and affection and on the fond hope that the petitioner would take care of the 4th and 5th respondents at their old age, settled the property in favour of the petitioner in document No.1206 of 2008 on 10.03.2008. Contrary to their expectation and belief, the petitioner failed to take care. Thereafter, as per the Senior Citizens Act, they filed the petition before the Authorities, on which, the RDO, Kanchipuram in Ni.Mu.No.5655/2018/A5 dated 26.11.2019 cancelled the settlement and restored the property to the respondents 4 & 5, against which, the petitioner filed this writ petition in W.P.No.35376/2019. This Court by its order dated 30.01.2020 directed the concerned authority to conduct fresh enquiry and pass orders. Thereafter, the District Collector, Kanchipuram in Na.Ka.No.8051/2020/M1 by order dated 04.06.2021 passed the orders and found that cancellation of the settlement by R4 & R5 is not in the proper format, further, directed the petitioner to make monthly maintenance amount of Rs.4,000/- each to 4th 5th respondents. In this case, admittedly, the petitioner has not made such payment and there was a commotion on 17.07.2021, thereafter, complaint has been received and now, it is reported that complaint was closed finding that the Senior Citizen is requesting that the petitioner is their adopted daughter and no cognizable offence is made. In view of the same, this court is not inclined to entertain the writ petition. Accordingly, the same is dismissed. No costs. The respondent police is directed to give protection to the 4th and 5th respondents senior citizens as and when situation arises.

5. After this Court had dictated this order, counsel for the petitioner submits that the petitioner is willing for mediation and her aim is only to withdraw the case and amicably take care of her aged step-father and step-mother the 4th and 5th respondents. In view of the same, if the petitioner approaches the state legal service authority, the state legal service



authority shall consider the same and to take steps to resolve the dispute between the petitioner and the respondent 4 &5.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thaiyarkullam, Kanchipuram,
Kanchipuram District - 631 501.
2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
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3. The Inspector of Police,
O/o.The Inspector of Police,
C-3, Manimangalam Police Station,
Mudichur to Sriperambathur Road,
Manimangalam, Chennai.

+1cc to Mr.P.K.Ganesh, Advocate, S.R.No.47375

W.P.NO.19517 OF 2021

RSI (CO)
PBS/20/10/2021