



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

Writ Petition No.28104 of 2021

Velusamy Arumugam
S/o.Late.Arumuga Gounder.

... Petitioner

-Vs-

- 1.The District Collector,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
Coimbatore.
- 2.Sub Divisional Magistrate Cum Sub Collector,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
Pollachi, Coimbatore.
- 3.The Superintendent of Police,
Coimbatore District.
- 4.Mr.Krishna Kumar,
S/o.Velusamy.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to dispose of the petitioner's petition dated 18.11.2021 under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and under Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009 to evict the 4th respondent from the petitioner's property measuring 1.63 acres in survey No.151/1D2, 151/1E, 151/1F2, located in Kilaku Thottam, Vanjiyapuram, Pirivu, Zamin Kottampatti, Rangasamuthram, Pollachi, Coimbatore within a time limit stipulated by this Court and grant such other relief as deems fit to this Court.

For Petitioner :Mr.A.P.Balaji

For Respondents :Mrs.C.Sangamithirai
Special Government Pleader for R1 to R3



O R D E R

The petitioner is a senior citizen and is residing along with his wife, also a senior citizen at the property in patta No.51/1D2, 151/1E, 151/1F2, located in Kilaku Thottam, Vanjiyapuram, Pirivu, Zamin Kottampatti, Rangasamuthram, Pollachi, Coimbatore. The narration of facts in regard to the aforesaid property and specifically the settlement of the same upon one of his sons and the claims of injury caused to him and his wife are not referred to herein in the interests of brevity.

2. Suffice to say that the petitioner states that he has suffered indignities and injury caused by his elder son and his family who had also threatened grievous harm to his and his wife's life. A complaint had been filed which is registered in CSR No.336 of 2021 and no action is stated to have been taken in that regard till date.

3. While this is so, he has made an application in terms of Section 3 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (in short 'Act') before the Competent Authority on 18.11.2021. The Scheme of the Act provides for the procedure for filing an application for maintenance and registration and processing thereof under Chapter II. This application is admittedly pending.

4. My attention is also drawn to communication dated 24.12.2021 sent by the Sub-Divisional Magistrate-cum-Sub Collector, the Competent Authority under the Act before whom the application filed by the petitioner is pending / R2, to the Superintendent of Police, Pollachi / R3, to look into the matter and forward a report. He has sought appropriate intervention of the authorities, in the light of the allegation of threat to life and safety having been expressed by the petitioner herein.

5. There is a direction to R3 to take action in regard to CSR No.336 of 2021 and comply with the direction of the Sub-Divisional Magistrate-cum-Collector under communication dated 24.12.2021 and file a report within one week from today.

6. Learned Special Government Pleader also assures the Court, that the application of the petitioner filed on 18.11.2021 shall be considered, their grievances heard and the application disposed of within four weeks from today. In doing so, other parties who are named in the petition and as against whom allegations have been levelled by the petitioner, shall also be



called upon and their contentions heard. The entire exercise shall be carried out bearing in mind the scheme, object and purpose of the Act. With the above directions, this Writ Petition is disposed of. No costs.

WEB COPY

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

NSA
To

- 1.The District Collector,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
Coimbatore.
- 2.Sub Divisional Magistrate Cum Sub Collector,
Parents and Senior Citizen, Maintenance and Welfare Tribunal,
Pollachi, Coimbatore.
- 3.The Superintendent of Police,
Coimbatore District.

+2cc to Mr.A.P.Balaji, Advocate Sr.69942
+1cc to the Government Pleader Sr.69966

W.P.No.28104 of 2021

AR-II[co]
srg 10/01/2022