



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

WP (MD)No.1094 of 2021 &

WMP (MD)No.949 of 2021

WEB COPY

S.Jayakumar

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Superintendant of Police,
O/o.Superintendent of Police,
Virudhunagar District.

3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

4.J.Vijayselvam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the second and third respondents to implement the order of the first respondent in Na.Ka.rp.4/13859/2020 dated 16.12.2020 and consequently direct the first, second and third respondents to provide police protection to the petitioner based on his representation dated 04.01.2021.

For Petitioner

:Mr.C.M.Arumugam

For Respondent

:Mr.R.Saravana Kumar

Government Advocate (Criminal Side)

O R D E R

By consent, this Writ Petition is taken up for final hearing at the admission state itself.

2. The present petition is filed by the petitioner seeking for police protection to protect himself from his own son, who is the fourth respondent in the instant petition.

3. A direction was issued by the Maintenance and Welfare of Parents and Senior Citizens Tribunal, Sivakasi on 12.06.2020 directing the fourth respondent to vacate the house of the petitioner. The fourth respondent preferred an appeal against the said orders before the District Collector, Virudhunagar District and the same was disposed of on 16.12.2020 with a specific direction to the fourth respondent to vacate the house belonging to the petitioner. Subsequently, the petitioner lodged a complaint with



the third respondent police to give police protection on 04.01.2021. The main contention of Mr.C.M.Arumugam, learned counsel for the petitioner is that the fourth respondent man handled him in front of his residence and despite the fact that a representation was submitted by the petitioner, the third respondent did not act upon the same. He also drew the attention of this Court to Rule 21 (2) (ii) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 which reads that,

"21....

(2) Without prejudice to the generality of sub-rule

(1):-

(ii) a representative of the police station together as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them"

He also submitted that Rule 20 (2) (i) of the said Rules contemplates that the District Collector should ensure that life and property of senior citizens of the District are protected and they are able to live with security and dignity.

4. Mr.R.Saravana Kumar, learned Government Advocate (Criminal Side) accepts notice for the respondents 1 to 3.

5. In the case on hand, the Tribunal after full fledged enquiry directed the fourth respondent to vacate from the house of the petitioner and the appeal preferred by the fourth respondent before the District Collector was also dismissed. In the facts and circumstances, the second respondent is directed to consider the representation submitted by the petitioner dated 04.01.2021 within a period of two weeks from the date of receipt of a copy of this order / uploading of the order and if necessary, the second respondent is directed to give adequate police protection to the petitioner with immediate effect.

6. With the above observations, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

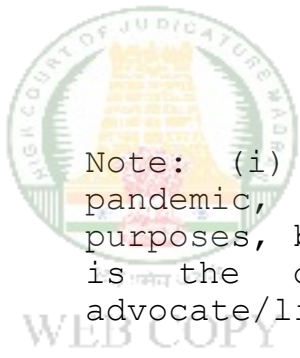
Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendant of Police,
O/o.Superintendent of Police,
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- 3.The Inspector of Police,
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VB (10.02.2021) 3P 4C