



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8111 of 2021

Amala Pushpam

...Petitioner

Vs.

1. The Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, presided over by The Revenue Divisional Officer, Padmanabhapuram, Kanyakumari District.

2. Saranya

3. Gunaseeli

... Respondents

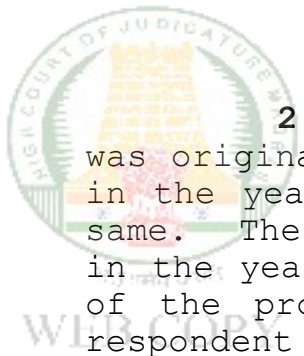
Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to evict the second respondent and her people from the dwelling house of the petitioner situated in Plot No.300, comprised in R.S.No.204 /6 of Colachel Village, Kalkulam Taluk, Kanyakumari District, admeasuring an extent of three cents and to take appropriate action against them on the basis of the petitioner's representation dated 18.12.2020.

For Petitioner : Mr.C.T.Perumal

For R-1 : Mr.B.Bhagawathy
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the first respondent to deal with the complaint / representation made by the petitioner on 18.12.2020 and take a decision in accordance with the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Hereinafter referred to as "the Act").



2. The case of the petitioner is that the subject property was originally assigned in favour of the petitioner and her husband in the year 2007 and they were in possession and enjoyment of the same. The further case of the petitioner is that her husband died in the year 2012 and thereafter, she has become the absolute owner of the property. The son of the petitioner married the second respondent and the third respondent is the mother of the second respondent. According to the petitioner, the second and third respondents are causing cruelty to the petitioner and she has been virtually thrown out of her own house. The petitioner, therefore, made a complaint / representation before the first respondent on 18.12.2020 and requested for taking action in accordance with the Act. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.C.T.Perumal, learned counsel appearing on behalf of the petitioner and Mr.B.Bhagawathy, learned Government Advocate appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent to immediately consider the representation / complaint given by the petitioner on 18.12.2020 and take a decision in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. The first respondent shall afford an opportunity to the petitioner and the second and third respondents before taking a decision.

5. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

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

The Revenue Divisional Officer,
The Tribunal under the Maintenance and Welfare of Parents and Senior
Citizens Act, 2007, Padmanabhapuram,
Kanyakumari District.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-16576[F] dated 20/04/2021)
+1 CC to M/s.SPL GP (SR-16948[F] dated 21/04/2021)

Order made in
W.P. (MD) .No.8111 of 2021
Dated:20.04.2021

SDS (11.05.2021) 3P 4C