



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13906 of 2021

and

W.M.P(MD).No.10865 of 2021

D.Indirani

... Petitioner

Vs.

1. The District Collector,
O/o. District Collectorate,
Madurai District.
2. The commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai City, Madurai.

4. D.Subramani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate legal action as per Rules 20 and 21 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Act, 2007 based on the representations of the petitioner dated 30.06.2021 and 03.08.2021 and consequently direct to second respondent to provide adequate protection to the petitioner.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.P.Subbaraj,

Counsel for State R1 to R3

O R D E R

The petitioner is a senior citizen and seeks legal action in terms of Rules 20 and 21 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

2. The petitioner states that her late husband purchased a vacant site on 16.04.1979 and constructed a residential house thereon. After his death, the petitioner and her three children inherited such property. The petitioner executed a release deed dated 11.05.2016 in respect of her 1/4th share in such property on the understanding that her three children would look after her and take care of her needs. However, it is stated that the fourth respondent has harassed the petitioner and insisted that she should vacate the residential house. In such circumstances, the petitioner



lodged a complaint before the third respondent, but it is stated that appropriate action has not been taken on the petitioner's complaint.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3.

4. The Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has been enacted so as to confer statutory rights on senior citizens. The rules thereunder also enable senior citizens to seek protection in case they are mistreated by their children or relatives as defined in the aforesaid enactment.

5. In the case at hand, the petitioner has submitted a complaint to the third respondent on 30.06.2021 and has also submitted a representation dated 03.08.2021 to the District Collector. Therefore, it is sufficient if the said authorities are directed to initiate appropriate action by taking into account the statutory mandate.

6. Accordingly, the respondents 1 to 3 are directed to consider the petitioner's complaint dated 30.06.2021 and the representation dated 03.08.2021 and initiate action in accordance with the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the rules framed thereunder after providing a reasonable opportunity both to the petitioner and to the fourth respondent herein. The respondents are directed to dispose of the petitioner's complaint and representation within a period of thirty (30) days from the date of receipt of a copy of this order. On account of the fact that the respondents have been directed to hear the fourth respondent before taking action, the writ petition is disposed of without notice to the private respondent.

7. W.P(MD).No.13906 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.10865 of 2021 is closed.

Sd/-

Assistant Registrar (ADII)

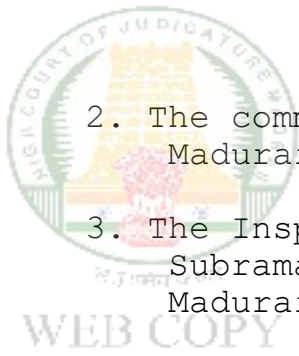
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Sub Assistant Registrar(CS)

To:

1. The District Collector,
O/o. District Collectorate,
Madurai District.



2. The commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
Subramaniyapuram Police Station,
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