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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2021
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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P(MD)No.15409 of 2021

R.S.Sundararaj ... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.

4.S.Govindaraj ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents herein to consider the representation of the petitioner dated 12.10.2020 as per Rules 20 and 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and take appropriate action within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian
For R-1 to R-3 : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks the disposal of the representation dated 12.10.2020 under Rules 20 and 21 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

2.The petitioner states that he is a senior citizen and that he has one son and one daughter. He constructed a house in respect of which a housing loan was obtained by his son from GIC Housing Finance Limited. The petitioner alleges that the original title deeds pertaining to such loan are in the custody of his son. In order to get back the title deeds relating to such property, he submitted a representation dated 12.10.2020 to the first and

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second respondents herein by invoking Rules 20 and 21. In view of the alleged failure of the said respondents to take action thereon, the present writ petition is filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the designated authority to receive petitions under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is the jurisdictional Revenue Divisional Officer.

4.The petitioner refers to and relies upon Rules 20 and 21 which impose an obligation on the District Collector concerned and the Commissioner of Police concerned. Therefore, the petitioner is entitled to the consideration of his representation on merits. However, before taking a decision on such representation, it would be necessary to put the fourth respondent on notice.

5.Accordingly, without going into the merits of the matter, the first and second respondents herein are directed to consider the petitioner's representation dated 12.10.2020 in terms of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Rules framed thereunder and to dispose of such representation by a reasoned order within a period of two (2) months from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity both to the petitioner and the fourth respondent herein. On account of the fact that the merits of the matter have not been gone into and because the first and second respondents herein have been directed to hear the fourth respondent before passing orders, the writ petition is disposed of without notice to the fourth respondent.

6.W.P.(MD).No.15409 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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To

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Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
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+1 CC to M/s.SPL GP (SR-27753[F] dated 01/09/2021)

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PS(CO)
SB(13.09.2021) 3P 5C

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