



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16512 of 2021

and

W.M.P(MD) .No.13399 of 2021

WEB COPY

R.Pitchaiammal

... Petitioner

Vs.

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

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

3.The District Social Welfare Officer,
District Social Welfare Office,
K.K.Nagar,
Madurai-20.

4.The Inspector of Police,
Karimedu Police Station,
Madurai City,
Madurai-16.

5.V.Durai Arasan

6.A.Pandiammal

7.A.Sundarapandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second to fourth respondents to initiate legal action as per Rule 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 26.08.2021 and consequently direct the second respondent to provide adequate protection to the petitioner.

For Petitioner : Mr.C.M.Arumugam
For DHANA LAW ASSOCIATES
For R1 to R4 : Mr.P.Subbaraj,
Counsel for State.



ORDER

The petitioner seeks a direction to respondents 2 to 4 to consider her representation dated 26.08.2021 and take action in response thereto.

2.The petitioner states that she is a senior citizen and that she is entitled to a share in the properties bearing Survey Nos.7/1, 7/2A and 7/2B at Arappalayam Village in the South Taluk of Madurai City. The petitioner alleges that respondents 5 to 7, who are related to her, are harassing the petitioner and threatening both her life and property. Therefore, the petitioner submitted a representation dated 26.08.2021 and has approached this Court in view of the failure of the official respondents concerned to take action thereon.

3.Mr.P.Subbaraj, learned counsel for the State, appears on behalf of respondents 1 to 4.

4.One of the issues that arises for consideration in this case is whether action may be initiated against persons who do not qualify as relatives in terms of Section 2(g) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the Act of 2007). Upon examining Section 4 of the Act of 2007, it is clear that an application for maintenance would only lie against children as defined in Section 2 (a) or against relatives as defined in Section 2 (g) thereof. However, the Act of 2007 was enacted as a beneficial legislation to protect parents and senior citizens both in respect of life and property. Therefore, as regards the protection of their rights, de hors the right to maintenance, *prima facie*, action may be taken not only against relatives as defined in Section 2(g) or children as defined in Section 2(a) but against any person who threatens the life or property of such parent or senior citizen. To that extent, the petitioner is entitled to the consideration of her representation. Needless to say, before taking a decision on the petitioner's application, a reasonable opportunity should be provided to the private respondents herein.

5.Subject to the above observations but without entering any findings on the merits of the petitioner's representation, the second, third and fourth respondents herein are directed to consider the petitioner's representation dated 26.08.2021 and dispose of the same within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the private respondents herein. In view of the fact that the merits of the matter have not been gone into and because the official respondents have been directed to hear the private respondents, the Writ Petition is disposed of without notice to the private respondents.



6. Accordingly, W.P.(MD).No.16512 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.13399 of 2021 stands closed.

Sd/-

Assistant Registrar (W)

// 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

- 1.The District Collector,
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Madurai District.
- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The District Social Welfare Officer,
District Social Welfare Office,
K.K.Nagar,
Madurai-20.
- 4.The Inspector of Police,
Karimedu Police Station,
Madurai City,
Madurai-16.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-30100[F] dated 23/09/2021)

+1 CC to M/s.SPL. GP (SR-30021[F] dated 23/09/2021)

**W.P (MD) No.16512 of 2021
22.09.2021**

RS (29.09.2021) 3P 7C