



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.1006 of 2014

and

M.P (MD) .No.1 of 2014

WEB COPY

K.Raziabegum

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai District,
Madurai.

2.The District Collector,
Madurai District,
Madurai.

3.M.Mohamed Saleem

... 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 to ensure the life and property of the petitioner are protected and she is able to live with security and dignity as per Section 20 of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009 and consequently direct the first and second respondents to protect the residential property of the petitioner bearing No.23/9, 1st Mettu Street, Ansari Nagar, Madurai-10 from the third respondent by securing the same.

For Petitioner : Mr.M.Gnanagurunathan
For R-1 and R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.
For R-3 : Mr.S.Rajasekar

ORDER

This is an unfortunate Writ Petition which has been pending for the past seven (7) years filed by the mother primarily against her son. Even when the Writ Petition was filed, the writ petitioner was 64 years old. She must now be quite advanced in age.

2. The petitioner had given a representation on 18.01.2014 addressed to the second respondent / the District Collector, Madurai District and also to the first respondent / the Commissioner of Police, Madurai District. In short, the grievance of the petitioner was that she has not been provided with maintenance by her son.

3. To redress that particular fact, the petitioner is given liberty to proceed further in accordance with law by initiating necessary proceedings, if so advised under the Tamil Nadu



Maintenance and Welfare of Parents and Senior Citizens Act and its Rules. There cannot be any restraint on the petitioner to initiate such action.

4. It is the contention of the learned counsel for the petitioner that the petitioner is now residing in a room in the residence of the third respondent, who is her son. Protection of continuation of occupation and possession of the petitioner to reside in that particular room with access to other areas in the house is hereby granted by this order. With respect to maintenance and further right to reside, necessary proceedings may be initiated by the petitioner herein.

5. With the said observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 Commissioner of Police,
Madurai District, Madurai.

2.The District Collector,
Madurai District, Madurai.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-34414[F] dated 15/11/2021)

+1 CC to M/s.SPL GP (SR-34441[F] dated 15/11/2021)

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AC(CO)
KB(24.11.2021) 2P 5C

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