



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.22483 of 2021

and

W.M.P (MD) .No.19017 of 2021

WEB COPY

Nallaperumal

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Social Welfare Officer,
Collectorate,
Madurai, Madurai District.

3.Kalaiselvi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take necessary action based on the petitioner's representation dated 20.09.2021 against the third respondent herein under the Maintenance and Welfare of the parents and Senior Citizen Act, 2007.

For Petitioner : M/s.S.Vani

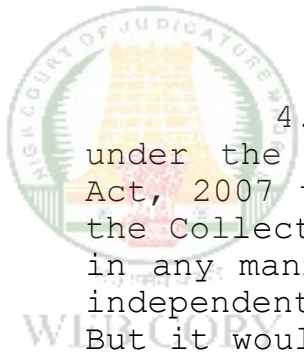
For R-1 and R-2 : Mr.J.John Rajadurai,
Government Advocate.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the first and second respondents to take necessary action on the basis of a representation dated 20.09.2021 given by the petitioner as against the third respondent. The said representation has been given under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The petitioner is a tenant under the third respondent. The third respondent had apparently expressed intention that the petitioner should vacate the tenanted premises. The tenanted premises is at the first floor of the building bearing Door No.4/907-1-B in Annai Vellansari Street, Anna Nagar, Madurai.

3. Seeking that the petitioner should not be vacated except by due process of law, the petitioner had also filed O.S.No.177 of 2021 which is now pending on the file of the District Munsif Court, Madurai Town. In the said suit, the third respondent herein, Kalaiselvi, is the first defendant and there is another defendant, R.Gokilambal. That suit is still pending.



4. The petitioner appears to have given a representation under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 taking advantage of a particular rule which provides that the Collector should take care that senior citizens are not harassed in any manner, seeking the first and second respondents to take an independent decision on the representation given by the petitioner. But it would be in the interest of the petitioner that he approaches the very same Court where he had instituted the suit and seek appropriate relief in the nature of the relief now sought also, namely to protect basic amenities from being interfered with by the defendants therein.

5. If such an application is filed, the learned District Munsif, Madurai Town may examine it on the basis of a counter filed by the defendants therein and then, take a considered decision on the said application. The petitioner may or may not even file that application. The choice is entirely on the petitioner. This Writ Petition does not lie. This Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

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 District Munsif,
Madurai Town.

2.The District Collector,
Madurai District, Madurai.

3.The District Social Welfare Officer,
Collectorate,
Madurai, Madurai District.

+1 CC to M/s.SPL GP (SR-39520[F] dated 20/12/2021)

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SE (CO)

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