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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9184 of 2022

C.Ponnusamy

... Petitioner

Vs.

- 1.State represented by,
The Superintendent of Police,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.
- 3.The Inspector of Police,
Thiruchengode Rural Police Station,
Thiruchengode,
Namakkal District.

4.P.Duraisamy

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondents 1 to 3 to provide necessary police protection to the petitioner to reside in the house situated in their Patta lands in Survey No.103/3A of Molipalli Village, Tiruchengode Taluk, Namakkal District, based on the complaint dated 15.02.2022 received in CSR No.44 of 2022 and further complaint dated 05.04.2022.

For Petitioner : Mr.G.Arul Murugan

For Respondents: Mr.V.Meganathan for R1 to R3,
Government Advocate (crl.side)

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the respondents 1 to 3 to provide necessary police



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protection to the petitioner to reside in the house situated in their Patta land in Survey No.103/3A of Molipalli Village, Tiruchengode Taluk, Namakkal District, based on the complaint dated 15.02.2022 received in CSR No.44 of 2022 and further complaint dated 05.04.2022.

2. Learned counsel for the petitioner would submit that the petitioner is a senior citizen, aged about 80 years. He is the original owner of the property measuring an extent of 2.74 acres in Survey No.103/3A of Molipalli Village, Tiruchengode Taluk, Namakkal District along with a house. The same was sold in favour of his daughter C.Santhi through Sale Deed dated 23.03.2022, registered as Document No.2657/ of 2022 on the file of Sub Registrar, Thiruchengode, for the valuable consideration. The Patta has been issued in favour of the petitioner's daughter in Patta No.782 by Thasildar, Thiruchengode Taluk. He would submit that the petitioner has also settled some properties in favour of his son, who is the fourth respondent herein. However, the fourth respondent antagonized over the settling property of 2.74 acres in favour of the petitioner's daughter, had created problem and troubled the petitioner. He has not permitted the petitioner to stay in that house. Thereby, the petitioner has given a complaint to the third respondent police whereas, the third respondent has not taken any steps to provide protection to the petitioner.

3. Learned counsel for the Petitioner would further submit that the Government taking into consideration the sufferings of the aged parents/senior citizens, who had already transferred all the properties, has enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. So that a statutory protection can be given to them from being victimized and abandoned. The Executive Magistrate has been designated as Welfare Officer and even after the parents give away their properties to the children they are entitled to make a complaint for cancellation of the deeds if they are not taken care by their children. However, the petitioner is now suffering due to the act of the fourth respondent. The fourth respondent is none other than his son.

4. Mr.V.Meganathan, Government Advocate (crl.side) would submit that the complaint of the petitioner was received and enquiry has been conducted in CSR No.44 of 2022. He would submit that it is the dispute between the father and son with regard to the their own property.



5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioner is a senior citizen and that the fourth respondent is his only son. If the fourth respondent continuous to harass the petitioner, the third respondent police is directed to take steps against the fourth respondent and if necessary, register a case and afford protection to the petitioner.

7. With the above direction, this Criminal Original petition stands disposed of.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

shk/sai
To

1. The Superintendent of Police,
Namakkal District.
2. The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.
3. The Inspector of Police,
Thiruchengode Rural Police Station,
Thiruchengode,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.G.Arulmurugan, Advocate Sr.27857

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skm[col]
srg 10/05/2022