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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.10730 of 2022

&

W.M.P.Nos.10377 & 10380 of 2022

S.Nagammal

...Petitioner

Vs.

1. District Collector,
Chengalpattu District,
Chengalpattu.
2. Revenue Divisional Officer,
Chengalpattu District.
3. Tahsildar,
Thirukalukundaram Taluk,
Chengalpattu District.
4. Sub-Registrar,
Thirukalukundaram,
Chengalpattu District.
5. S.Ravi

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to issue appropriate directions under Rule 20 (2) (i) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 to the respondents 2 to 4 herein to issue Joint Patta to the Petitioner herein in regard to her 1/3 share of lands situated in S.Nos.147/3A3, 147/3A4, 147/3B, 147/7, 147/8 and S.No.73/1B of Edaiyathur Village Thirukalukundaram Taluk, Chengalpattu District so as to protect the life and property of the petitioner herein and consequently restrain the 5th respondent herein or anybody claiming through him from forcibly evicting the petitioner herein from the said lands.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents: Mr.C.Jayaprakash

Government Advocate



ORDER

The petitioner is the mother of the 5th respondent. She has filed an application dated 01.10.2021 before the District Collector, Chengalpattu District seeking various reliefs in terms of Rule 20 (2) (i) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (Rules), extracted below:-

"In the light of the factual and legal position set out herein above, petitioner herein humbly prays that the District Collector, Chengalpattu may be graciously pleased to direct"-

(ii). The Inspector of Police, Thirukalukundaram Police Station to give necessary protection to the life and property of the Petitioner herein including her right to remain in possession and enjoyment of the lands in an extent of 1.12 ½ acres in S.Nos. 147/3A3, 147/3A4, 147/3B, 147/7, 147/8 and S.Nos. 73/1B of Edaiyathur Village, Thirukalukundaram Taluk as a Co-Owner along with the 1st respondent herein and her daughter Santhi;

(iii) the Sub-Registrar, Thirukalukundaram not to accept any document of title to be presented by the respondent herein for registration and conveying the share of the petitioner in the properties in an extent of 1.12 ½ acres in S.Nos.147/3A3, 147/3A4, 147/3B, 147/7, 147/8 and S.No.73/1b of Edaiyathur Village, Thirukalukundaram Taluk on the pretext that the 1st respondent herein is the absolute owner of the said properties and he has inherited the same as a sole legal heir of deceased Sundaram merely based on the Patta No.365 or any document of title created to exclude the right and interest of the Petitioner herein to succeed to the property of her husband - Sundaram and

(iv) the Tahsildar, Thirukalikundram to include the name of the Petitioner herein and her daughter as Joint Patta holders along with the 1st respondent herein in respect of the properties in an extent of 1.12 ½ acres in S.No.147/3A3, 147/3A4, 147/3B, 147/7, 147/8 and S.No.73/1B of Edaiyathur



Village, Thirukalukundaram Taluk and thus render justice."

2. The Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act) has been enacted specifically to provide for a grievance redressal mechanism for Senior Citizens in the State including grant of maintenance and protection in other ways as contemplated under the Act.

3. Mr.C.Jayaprakash, learned Government Advocate, who accepts notice on behalf of official respondents states, at the outset, that the application of the petitioner dated 01.10.2021 does not come under the cover of the aforesaid enactment.

4. In my considered view, his submission is entirely misplaced and it is not for him to make such a submission. The application has, admittedly, been received by the authority on 10.11.2021 and all authorities, including R1, have been sitting pretty on the application on the application since then.

5. The application makes specific reference to the Rules. It was thus incumbent upon the District Collector to have taken up the application of the petitioner and disposed the same in accordance with law. It is for the authority considering the application to opine on the aspect of maintainability of the application under the Act and in a timely fashion.

6. If at all the competent authority believed that the application fell outside the cover and protection of the Act, then the petitioner ought to have been intimated of the same, in order that he could raise his grievances elsewhere. This has not been done. That apart, the Act provides for specific timeline for consideration and disposal of applications received thereunder and in the present matter, there has been a total breach of the stipulated timeline.

7. The delay on the part of the authorities in keeping the application of a senior citizen pending since November, 2021 has no justification whatsoever. Costs of an amount of Rs.25000/- (twenty five thousand only) is imposed upon the concerned respondent payable to the petitioner within a period of four weeks from today.

8. That apart, action be taken to dispose the application of the petitioner dated 01.10.2021, effectively and efficaciously, within a period of six weeks from today, either on the aspect of maintainability or on merits, if the application is found maintainable.



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9. This writ petition stands disposed as above. Connected writ miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

nst/ska

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Revenue Divisional Officer,
Chengalpattu District.
3. The Tahsildar,
Thirukalukundaram Taluk,
Chengalpattu District.
4. The Sub-Registrar,
Thirukalukundaram,
Chengalpattu District.

+1cc to Mr.V.R.Rajasekaran, Advocate SR.No.28437

+1cc to Government Pleader SR.No.29369

W.P. No.10730 of 2022
&
W.M.P.Nos.10377 & 10380 of 2022

NMI (CO)

GMV (24/05/2022)