

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17297 of 2022

Velusamy Arumugam

.. Petitioner

Vs.

1. The District Collector,
Parents and Senior Citizens,
Maintenance and Welfare Tribunal,
Coimbatore.
2. Sub Divisional Magistrate cum Sub Collector,
Parents and Senior Citizens,
Maintenance and Welfare Tribunal,
Pollachi, Coimbatore.
3. The Superintendent of Police,
Office of Superintendent of Police,
Coimbatore District - 18.
4. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Pollachi.
5. Inspector of Police,
Aanaimalai Police Station,
Pollachi.
6. Krishna Kumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing 4th & 5th respondents to implement the order dated 31.03.2022 passed by 2nd respondent herein under the Welfare of Parents and Senior Citizens Act, by considering the petitioner's representation dated 06.05.2022.

For Petitioner : Mr.S.Bala Ganesh

For Respondents: Mr.B.Vijay,
Additional Government Pleader
[R1 to R5]
R6 - Dispensed with, vide order of
this Court dated 08.07.2022

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the fourth and fifth respondents to implement the order dated 31.03.2022 passed by the second respondent in favour of the petitioner under the Welfare of Parents and Senior Citizens Act, based on the petitioner's representation dated 06.05.2022, within a time frame to be fixed by this Court.

2. Mr.B.Vijay, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 5. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a senior citizen. He has earlier approached the second respondent under the Welfare of Parents and Senior Citizens Act, for taking action against the sixth respondent, who is his son. By order dated 31.03.2022, the second respondent has directed the sixth respondent to vacate the petitioner's residence and shift to another place belonging to the petitioner. But according to the petitioner, till date, the sixth respondent has not vacated despite the direction given by the second respondent under his order dated 31.03.2022. In such circumstances, the petitioner has given a representation on 06.05.2022 to the official respondents, calling upon them to implement the order dated 31.03.2022 passed by the second respondent. Since the representation has not been considered till date, the petitioner has filed this Writ Petition.

4. Since the petitioner is only seeking for implementation of the order passed by the second respondent on 31.03.2022 under the Welfare of Parents and Senior Citizens Act, no notice need to be served on the sixth respondent and therefore, notice to the sixth respondent is dispensed with.

5. The learned counsel appearing for the petitioner submits that till date, the order dated 31.03.2022 passed by the second respondent in favour of the petitioner has not been challenged by the sixth respondent and it has attained finality. The petitioner seeks Police assistance for the effective implementation of the order dated 31.03.2022 passed by the

second respondent. Under the said order, the sixth respondent who is the petitioner's son has been directed to vacate the residence of the petitioner and shift to another place belonging to the petitioner. The petitioner also contends that he is a senior citizen and he is aged 80 years and that the sixth respondent has been continuously harassing him and has also not provided any maintenance.

6. No prejudice will be caused to the official respondents if the order dated 31.03.2022 passed by the second respondent is implemented/enforced, within a time frame to be fixed by this Court. The petitioner has already given a representation on 06.05.2022 for the said purpose.

7. For the foregoing reasons, this Court directs the second respondent to implement/enforce its order dated 31.03.2022, based on the petitioner's representation dated 06.05.2022, within a period of four (4) weeks from the date of receipt of a copy of this order and if so required, seek the assistance of the Police for its effective implementation.

8. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Parents and Senior Citizens,
Maintenance and Welfare Tribunal,
Coimbatore.
2. The Sub Divisional Magistrate cum Sub Collector,
Parents and Senior Citizens,
Maintenance and Welfare Tribunal,
Pollachi, Coimbatore.
3. The Superintendent of Police,
Office of Superintendent of Police,
Coimbatore District - 18.

4. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Pollachi.
5. The Inspector of Police,
Aanaimalai Police Station,
Pollachi.

+1cc to Mr.S.Bala Ganesh, Advocate, S.R.No.45406
+1cc to the Government Pleader, S.R.No.45211

W.P.No.17297 of 2022

RLD[co]
NSK/28/07/2022