



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.3312 of 2022

B.Fatima

.. Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Dindigul.
- 2.The Superintendent of Police,
O/o. District Superintendent,
Dindigul District.
- 3.The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Nilakottai, Dindigul District.
- 5.The Inspector of Police,
Ammayanakkanoor Police Station,
Dindigul District.

6.B.Raju

7.B.Muthupandi @ Rajkapoor

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to protect the petitioner and ensure the life and dwelling house and two shops of the petitioner in Door No.130A,131A, Kodai Road, Main Road, Ammayanayakanoor, Nilakottai taluk, Dindigul as per Section 20 of Tamilnadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009.

For Petitioner :

Mr.Mahaboob Fazil for
M/s.T.Lajapathi Roy

For Respondents:

Mr.D.Sasikumar for R1 to R5
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for direction to the respondents 1 to 4 to protect the petitioner and ensure the life and dwelling house and two shops of the petitioner in Door No.130A, 131A, Kodai Road, Main Road, Ammayanayakanoor, Nilakottai taluk, Dindigul, as per Section 20 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009.

2.It is the case of the petitioner that she is a senior citizen and is a widow and is also suffering from cancer. According to the petitioner, 6th and 7th respondents are her children. It is her case that they are attempting to dispossess her from her property and they are also not maintaining her and also not providing shelter to her. In such circumstances, she has submitted a complaint under the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Since the said complaint has not been taken on file till date, she has filed this writ petition.

3.Heard Mr.Mahaboob Fazil, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

4.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

5.The learned Additional Government Pleader would submit that the complaint given by the petitioner will have to be heard by the Revenue Divisional Officer and therefore, a fresh representation will have to be given by the petitioner to the said authority.

6.The learned counsel for the petitioner submits that the petitioner is willing to submit a fresh representation to the Revenue Divisional Officer. The said statement is recorded.

7.No prejudice will be caused to the official respondents, if the petitioner's fresh representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8.Accordingly, this Court directs the petitioner to give a fresh representation under Section 20 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, to the Revenue Divisional Officer, Nilakottai, Dindigul District, against the 6th and 7th respondents, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the Revenue Divisional Officer, Nilakottai, Dindigul District, shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the 6th and 7th respondents, within a period of twelve weeks thereafter.



9. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Collector,
District Collectorate,
Dindigul.

2. The Superintendent of Police,
O/o. District Superintendent,
Dindigul District.

3. The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul.

4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Nilakottai, Dindigul District.

5. The Inspector of Police,
Ammayanakkanoor Police Station,
Dindigul District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.LAJAPATHI ROY, Advocate (SR-7966[F] dated 23/02/2022)

+1 CC to M/s.SPL GP (SR-8105[F] dated 23/02/2022)

ORDER MADE IN
W.P (MD) .No.3312 of 2022
22.02.2022

PKP/03.03.2022/3P/9C

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