



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4510 of 2022

M.Muniammal

... Petitioner

vs.

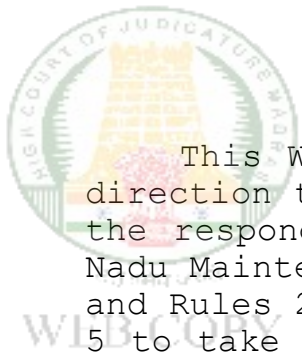
- 1.The District Collector,
Office of the District Collector,
Dindigul District, Dindigul.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District, Dindigul.
- 3.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District, Dindigul.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal, Dindigul District.
- 5.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
- 6.M.Pandiarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents Nos.1 to 5 to take necessary action against the respondent No.6 as per provisions contemplated under Tamil Nadu Maintenance of Welfare of Parents and Senior Citizens Act,2007 and Rules 2009 and consequently to direct the Respondents No. 1 and 5 to take necessary action to enable the Petitioner to live with the house situated at Door NO.W3/45, in Survey No.31/5 in an extent of 13.5 cents situated at Kurunji Nagar, Kallaraimedu, Kodaikanal, Dindigul District by considering the representation, dated 22.09.2021, within a time stipulated by this Court.

For Petitioner
For R1 to R5

:Mr.Mr.T.Thirumurugan
:Mr.T.Amjad Khan
Government Advocate



O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to take necessary action against the respondent No.6 as per the provisions contemplated under Tamil Nadu Maintenance of Welfare of Parents and Senior Citizens Act, 2007 and Rules 2009 and consequently, to direct the respondents Nos.1 and 5 to take necessary action to enable the petitioner to live in the house situated at Door No.W3/45, in Survey No.31/5 measuring to an extent of 13.5 cents situated at Kurunji Nagar, Kallaraimedu, Kodaikanal, Dindigul District, based on the petitioner's representation, dated 22.09.2021, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that she is a senior citizen and is the mother of the sixth respondent. According to the petitioner, her husband was the owner of the aforementioned property and patta also stood in his name. After his death, the sixth respondent has been harassing the petitioner and has not maintained her properly. He has also dispossessed her from the aforementioned property. She has given an application on 22.09.2021 under the Tamil Nadu Maintenance of Welfare of Parents and Senior Citizens Act, 2007 and Rules 2009, requesting the respondents 1 to 5 to take action against the sixth respondent as per the provisions of Tamil Nadu Maintenance of Welfare of Parents and Senior Citizens Act, 2007 and Rules 2009, and consequently, requesting the respondents 1 to 5 to take necessary action to enable the petitioner to live in the aforementioned house, from where, she was dispossessed. Since the said application has not been considered till date, she has filed this Writ Petition.

3.Heard Mr.T.Thirumurugan, learned Counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of the respondents 1 to 5.

4.Mr.T.Amjad Khan, learned Government Advocate, on instructions, would submit that already an FIR has been registered against the petitioner's another son, by name, Rajendran in Cr.No.673 of 2021, for the offence under Sections 147, 294(b), 325 and 506(i) IPC based upon a complaint given by the sixth respondent. The said statement is recorded.

5.However, the learned Counsel for the petitioner would deny those allegations and would submit that the sixth respondent has illegally dispossessed the petitioner from the aforementioned property, even though the property stood in the name of the petitioner's husband who is the father of the sixth respondent and patta was also stood in his name.

6.Allegations and counter allegations have been levelled by one son against the other. These will have to be considered by the court. The respondents while the petitioner's application is



considered on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent and any other necessary party, whom the first respondent deems fit to enquire.

7. Accordingly, this Court directs the first respondent to consider the petitioner's application, dated 22.09.2021 filed under the provisions of Tamil Nadu Maintenance of Welfare of Parents and Senior Citizens Act, 2007 and Rules 2009 requesting the official respondents to take necessary action against the sixth respondent and consequently, requesting the official respondents to take necessary action to enable the petitioner to live in the house situated at Door No.W3/45, in Survey No.31/5 measuring to an extent of 13.5 cents situated at Kurunji Nagar, Kallaraimedu, Kodaikanal, Dindigul District, and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent and any other necessary party, whom the first respondent deems fit to enquire, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Office of the District Collector,
Dindigul District, Dindigul.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District, Dindigul.
3. The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District, Dindigul.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal, Dindigul District.



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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-12076[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12153[F] dated 15/03/2022)

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RD(28.03.2022) 4P 8C