



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5513 of 2022

Pitchaiammal

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Thallakulam Division,
Madurai - 2.

3.The Inspector of Police,
Thallakulam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to take necessary steps to handover the possession to writ petitioner D.No.7, Jamburapuram Main Road, Goripalayam, Madurai - 2 as per Rule 21 of the Maintenance and Welfare of Parents and Senior Citizens Rule, 2009 based on the petitioner's representation dated 03.03.2022.

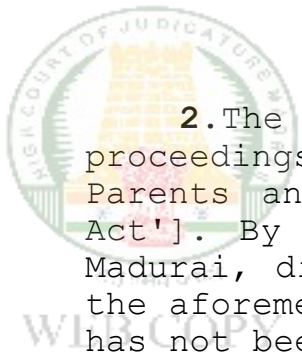
For Petitioner : Mr.J.Gunaseelanmuthiah

For Respondents : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking to direct the first respondent to take necessary steps to hand over possession of the property bearing D.No.7, Jamburapuram Main Road, Goripalayam, Madurai - 2 as per Rule 21 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 [hereinafter referred to as 'said Rules'] based on the petitioner's representation dated 03.03.2022.



2.The petitioner is a senior citizen, she had initiated proceedings against her son under the Maintenance and Welfare of Parents and Senior Citizens Act [hereinafter referred to as 'the Act']. By order dated 12.11.2021, the Revenue Divisional Officer, Madurai, directed the petitioner's son to return back possession of the aforementioned property to the petitioner. Since the possession has not been handed over to the petitioner till date, the petitioner gave a representation on 03.03.2022 under Rule 21 of the said Rules, requesting the third respondent to implement the order dated 12.11.2021 passed by the Revenue Divisional Officer, Madurai. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.J.Gunaseelanmuthiah, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

4.The petitioner is aged 69 years. Admittedly, she is having the benefit of an order dated 12.11.2021 passed by the Revenue Divisional Officer, Madurai under which her son has been directed to return back possession of the property to the petitioner. Admittedly, the said order has not been implemented till date. Rule 21 of the said Rules also enable the petitioner to seek the assistance of the police to protect her interest as she is a senior citizen. The petitioner has also given a representation under Rule 21 of the said Rules with the respondents. Admittedly, the said representation has not been considered till date. Rule 21 of the said Rules enables the petitioner to give such a representation. Under Section 27 of the Act, there is statutory bar for institution of civil suits pertaining to senior citizens involving matters which are covered under the provisions of the Act.

5.Even though learned Special Government Pleader on instructions would submit that the petitioner has accepted to go before the Civil Court in the presence of the police, when there is a statutory bar, that too when the petitioner has herself approached this Court by filing a writ petition, this Court will have to necessarily come to her rescue as she is a senior citizen and harassed by her own son as seen from the order dated 12.11.2021 passed by the Revenue Divisional Officer, Madurai.

6.For the foregoing reasons, this Court directs the first respondent to take necessary steps to hand over possession of the property bearing D.No.7, Jamburapuram Main Road, Goripalayam, Madurai - 2, by evicting the petitioner's son and daughter-in-law from the said premises within a period of four [4] weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
Thallakulam Division,
Madurai - 2.
3. The Inspector of Police,
Thallakulam,
Madurai.

COPY TO:

THE REVENUE DIVISIONAL OFFICER,
MADURAI.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-15119[F]
dated 29/03/2022)

+1 CC to M/s.SPL GP (SR-15736[F] dated 31/03/2022)

ORDER MADE IN

W.P. [MD]No.5513 of 2022

29.03.2022

TP(CO)

GC(06.04.2022) 3P 7C