



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.01.2022

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD)No.13899 of 2019

WEB COPY

Jayarani, W/o.Late.Pandi Nadar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer/Executive Magistrate,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Munainjipatti Police Station,
Tirunelveli District.

4.The District Social Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 17.05.2019, made under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009, seeking police protection for life and limb as well as her house property, situated at 92-B, Middle Street, AD Colony, Melamunainjipatti, Nanguneri Taluk, Tirunelveli District, within the time stipulated by this Court.

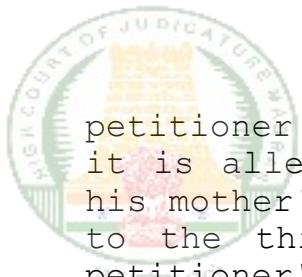
For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The Writ Petition is filed by the mother alleging that her son is threatening her peaceful enjoyment of the residential property owned by her late husband viz., Pandi Nadar.

2. The short facts of the case is that the property of Pandi Nadar, where the petitioner resides, is bequeathed to the son of the



petitioner by Pandi Nadar through a Will. Taking advantage of that, it is alleged that the son of the petitioner is trying to disturb his mother's peaceful possession and therefore, she gave a complaint to the third respondent Police, who after enquiry, directed the petitioner's son not to disturb the petitioner's possession till her life time and her son also accepted for the same. However, there is a constant threat to the petitioner's peaceful enjoyment of the house property. Hence, the present Writ Petition is filed seeking Police protection.

3. The learned Additional Public Prosecutor states that based on the complaint given by the petitioner herein, C.S.R.No.147 of 2019 was issued and the son of the petitioner was called for enquiry. In the enquiry, the petitioner's son gave an undertaking that he will not disturb his mother's peaceful enjoyment of the property and after her demise, he and his brother will take the possession of the property and share it equally. Recording the same, the Police has closed the complaint on 21.05.2019.

4. In the said circumstance, it is suffice to record and direct the third respondent Police that if there is any threat to the peaceful possession of the petitioner, the same may be taken note of and appropriate protection may be given and necessary action may also be taken.

5. Insofar as the other relief under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 is concerned, it is open to the petitioner to make appropriate representation to the Revenue Divisional Officer, Cheranmahadevi Taluk, Tirunelveli District, who is the jurisdictional Executive Magistrate to take action under the said Act.

6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Revenue Divisional Officer/Executive Magistrate,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Munainjipatti Police Station,
Tirunelveli District.

4.The District Social Welfare Officer,
Tirunelveli District,
Tirunelveli.

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

+1 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-2493[F] dated
25/01/2022)

W.P. (MD) No.13899 of 2019
21.01.2022

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