



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12930 of 2022

and

W.M.P (MD) Nos.9184, 9186 & 9187 of 2022

R.Saraswathi

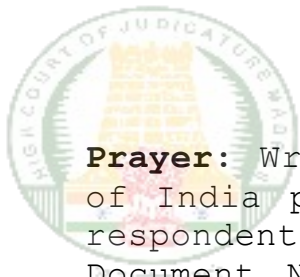
... Petitioner

Vs

- 1.The District Collector,
(The Chairperson - District Committee of Senior Citizens)
Office of the District collector,
Alwarpuram,
Madurai - 625 020.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Azhagar Kovil Main Road,
K.Pudur, Madurai - 625 020.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate,
Alwarpuram,
Madurai - 625 020.
- 4.The Inspector of Police,
Thirunagar Police Station,
Madurai - 625 006.
- 5.The Tahsildar,
Office of the Tahsildar - Tiruparankundram,
Thirunagar,
Madurai - 625 006.
- 6.The Sub-Registrar,
Office of the Sub-Registrar,
No.1, RRD, 8/A, Gandhiji 4th Street,
1st Floor, Thirunagar 7th Stop,
Madurai - 625 016.

7. S. Maheshwari

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the the respondents 1,3,5 and 6 to nullify the gift settlement deed in Document No.2688/2013 dated 24.07.2013 before the Office of the sixth respondent as void under Rule 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and to direct the Government to prioritise matters concerning life and liberty of Senior Citizens in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.6

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 6.

2. Considering the nature of relief to be granted, issuance of notice to the seventh respondent is dispensed with. The petitioner is none other than the mother of the seventh respondent. Her specific case is that she had been forcibly thrown out from her house by the seventh respondent. The petitioner is presently residing with another daughter whose husband is physically challenged and is having a special child. The petitioner had moved the Maintenance Tribunal seeking quite a few reliefs. She wants possession to be restored.

3. The learned counsel appearing for the petitioner firmly states that the premises from which the petitioner was thrown out is very much standing in her name and what was gifted to the seventh respondent is only the adjacent property. It is further alleged that the petitioner's house has been damaged. The petitioner seeks not only a direction for repairing the premises but also for protection. The statutory scheme set out in the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 contemplates grant of such reliefs to the petitioner, provided a case therefor has been made out. The third respondent has to take a call in the matter. The petitioner had moved the Maintenance Tribunal wayback on 08.02.2022.

4. The learned counsel appearing for the petitioner draws my attention to the order dated 10.06.2021 in W.P(MD)No.12544 of 2021, in which, it was observed as follows:



"7. The Chief Secretary to Government of Tamil Nadu, Secretariat, Chennai - 600 009, is directed to issue circular to all the District Collectors to ensure that the applications and appeals filed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are disposed of by conducting an enquiry within a period of two months from the date of receipt of such applications or appeals. The circular in this regard would be imminent in order to protect the fundamental right of the Senior citizen for life, which is to be meaningful and decent."

5. Taking note of the aforesaid order, the third respondent is directed to dispose of the petition mentioned petition on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. I have not gone into the merits of the matter. The third respondent will put on notice the seventh respondent before passing final order. If the seventh respondent is avoiding the service of notice, nothing stops the third respondent from passing an ex-parte order. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
(The Chairperson - District Committee of Senior Citizens)
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Madurai - 625 020.

2.The Commissioner of Police,
Office of the Commissioner of Police,
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K.Pudur, Madurai - 625 020.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate, Alwarpuram,
Madurai - 625 020.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Inspector of Police,
Thirunagar Police Station,
Madurai - 625 006.

5.The Tahsildar,
Office of the Tahsildar - Tiruparankundram,
Thirunagar,
Madurai - 625 006.

6.The Sub-Registrar,
Office of the Sub-Registrar,
No.1, RRD, 8/A, Gandhiji 4th Street,
1st Floor, Thirunagar 7th Stop,
Madurai - 625 016.

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-28092[F] dated 24/06/2022)

+1 CC to M/s.SPL.GP (SR-28245[F] dated 27/06/2022)

W.P. (MD)No.12930 of 2022

23.06.2022

USK/27.06.2022/4P/9C