



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.10.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24153 of 2022

P.N.Arumugam

..Petitioner

Vs

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Inspector of Police(Crime),
Theppakulam Police Station,
Madurai District.

4.A.Durairaj

5.Rajendran

6.Easwarean

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to conduct an enquiry on the Petitioner's complaint dated 5.9.2022 preferred under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and dispose of the same as expeditiously as possible within the time stipulated by this Court.

For Petitioner :Mr.R.Anand

For Respondents :Mr.A.Kannan
1 and 2 Addl. Government Pleader

For Respondent :Mr.B.Thanga Aravindh
3 Government Advocate(Crl. Side)

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to conduct an enquiry on the Petitioner's complaint dated 5.9.2022 preferred under the



provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and dispose of the same as expeditiously as possible within the time stipulated by this Court.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the fourth respondent is his son and the private respondents are his associates.The Petitioner is a mason by profession and apart from the fourth respondent, the Petitioner has another son and a daughter. All of them got married and settled separately. Out of his own earnings, the Petitioner has purchased a property in D.No.23/1, Kavimani Street, Pankajam Colony First Street, Kamarajar Road, Madurai which consists of three floors. After the demise of his wife, the Petitioner has partitioned the said house and the ground floor was allotted to the Petitioner, the first floor to the fourth respondent and top floor to his younger son Saravanan, who settled in Bangalore. During Covid -19 pandemic, the Petitioner stayed with his second son for four months.During the second Covid-19 pandemic also, the Petitioner is with the second son and during which time, the fourth respondent break open the door of the Petitioner's ground floor, removed the things and gave it to the fifth respondent for occupation by receiving a sum of Rs.4,50,000/- from him. Further, the first floor was given in occupation to the sixth respondent for Rs.2,70,000/- and totally, a sum of Rs.17,00,000/- was looted by the fourth respondent by utilizing the said property. Hence the Petitioner sent a detailed representation to the first respondent on 5.9.2022 for initiating proceedings under Section 4 of the above Act and to get maintenance from him.The first respondent has forwarded the same to the second respondent for necessary action.But till date, no action has been taken. In the meantime, the Petitioner has filed a suit in O.S.No.335 of 2017 for injunction and the same was dismissed on 8..9.2021 stating that the prayer sought for is beyond the plea advanced in the plaint. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the Revenue Divisional Officer, Madurai is the competent authority to consider his representation and would further submit that the same would be considered within the time limit prescribed by this Court.

5.In view of the above said submission, the Revenue Divisional Officer, Madurai is directed to consider the Petitioner's complaint, dated 5.9.2022 preferred under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and by conducting an enquiry, conclude the same and pass appropriate



orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/11/2022

Sub Assistant Registrar (CS)

vsn

Copy to

The Revenue Divisional Officer,
Madurai.

To

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
Madurai District.
3. The Inspector of Police (Crime),
Theppakulam Police Station,
Madurai District.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SPL.GP (SR-50681[F] dated 20/10/2022)

W. P (MD) No. 24153 of 2022

19.10.2022

AMS (31.10.2022) 3P 7C